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FEDERAL REGISTER

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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3359

NATIONAL DAY OF PRAYER, 1960

By the President of the United States
of America

A Proclamation

WHEREAS by the grace of God we live in a good land where each citizen can enjoy the blessings of liberty; and

WHEREAS our forebears did establish in this land a Nation whose law defends and whose spirit ever nourishes that liberty; and

WHEREAS the Congress, by a joint resolution approved April 17, 1952 (66 Stat. 64), sought to remind our citizens of this heritage by providing that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation";

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby set aside Wednesday, the fifth day of October 1960, as a National Day of Prayer; and I call upon my countrymen to observe it, remembering:

First, that it is not by our strength alone, nor by our own righteousness, that we have deserved the abundant gifts of our Creator;

Second, that the heritage of a faith born of hope and raised in sacrifice lays upon its heirs the high calling of being generous and responsible stewards in our own and among the kindred nations of the earth;

Third, that in this time of testing we shall ever place our trust in the keeping of God's commandments, knowing that He who has brought us here requires justice and mercy in return;

And finally, that as we lift our thankful hearts to Him, we will see clearly the vision of the world that is meant to be and set our hearts resolutely toward the achievement of it.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred [SEAL] and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7067; Filed, July 26, 1960;
2:20 p.m.]

Proclamation 3360

MODIFYING THE ARCHES NATIONAL MONUMENT, UTAH

By the President of the United States
of America

A Proclamation

WHEREAS the Arches National Monument in Grand County, Utah, established by Proclamation No. 1875 of April 12, 1929, and enlarged by Proclamation No. 2312 of November 25, 1938, was reserved and set apart as an area containing extraordinary examples of wind-eroded sandstone formations and other geologic and prehistoric structures of historic and scientific interest; and

WHEREAS it appears that it would be in the public interest to add to the Arches National Monument certain contiguous lands on which outstanding geologic features of great scientific interest are situated, and certain other lands adjacent to the monument which are essential to the proper care, management, and protection of the objects of scientific interest situated on such lands and on lands now comprising a part of the monument; and

WHEREAS it appears that it would also be in the public interest to exclude from the monument certain lands in the southeast section thereof, contiguous to the Salt Wash escarpment, which are used for grazing and which have no known scenic or scientific value:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16

U.S.C. 431), and subject to valid existing rights, do proclaim as follows:

The lands now owned by the United States within the exterior boundaries of the following-described tracts of land are hereby added to and reserved as a part of the Arches National Monument; and lands owned by the State of Utah within such boundaries shall become and be reserved as a part of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T. 24 S., R. 21 E.

Sec. 2, S $\frac{1}{2}$;

Sec. 11, NE $\frac{1}{4}$;

comprising 480 acres, more or less.

The following-described lands in the State of Utah are hereby excluded from the Arches National Monument:

SALT LAKE MERIDIAN

T. 24, S., R. 22 E.,

Sec. 17, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 20, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

comprising 720 acres, more or less.

The boundaries of the Arches National Monument are modified accordingly.

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred [SEAL] and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7066; Filed, July 26, 1960;
2:20 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Subpart B—General Compensation Rules

Subpart B is revised to read as follows:

Sec.	
25.101	Scope.
25.102	Definitions.
25.103	General provisions.
25.104	Special provisions.
25.105	Special adjustments in minimum pay rate of the class.

AUTHORITY: §§ 25.101 to 25.105 issued under sec. 1101, 63 Stat. 971; 5 U.S.C. 1072.

§ 25.101 Scope.

(a) *Applicability.* This subpart applies to each officer or employee covered by the Classification Act.

(b) *Entitlement.* This subpart and the provisions of Title VIII of the Act shall be applied in fixing or adjusting rates of basic compensation of employees covered by subsection (a).

§ 25.102 Definitions.

As used in this subpart, and in making compensation adjustments upon change in type of appointment, employment status, or position of the employee, words and terms are defined as follows:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Area" is a geographical subdivision which can be described in terms of boundaries, such as the metropolitan limits of a city, the area within 20 miles of the city limits, a county, several counties, or a State.

(c) "Demotion" is the reduction of an employee while continuously employed from one Classification Act grade to a lower Classification Act grade, with or without reduction in compensation, or from a higher rate paid under authority other than the Classification Act to a lower rate within a Classification Act grade.

(d) "Existing rate of basic compensation" is the rate received immediately prior to the effective date of a transfer, promotion, repromotion, demotion, or step increase.

(e) "Higher grade" is any General Schedule grade above the last previous General Schedule grade or its equivalent held by the employee.

(f) "Highest previous rate" is the highest rate of basic compensation previously paid to a Federal civilian employee occupying a position in any branch of the Federal Government (executive, legislative, or judicial), or in the municipal government of the District of Columbia, or in a mixed ownership cor-

poration, irrespective of whether or not such position was subject to the pay schedules of the Classification Act. An employee's highest previous rate shall be computed in accordance with § 25.103 (c).

(g) "Location" is a specific place of employment within an area, such as a particular shipyard or airbase.

(h) "New appointment" is the first appointment, regardless of the tenure of appointment, as a Federal civilian officer or employee.

(i) "Promotion" is the advancement of an employee while continuously employed from one Classification Act grade to a higher Classification Act grade, or from a lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade.

(j) "Rate of basic compensation" means the compensation fixed by law or administrative action for the position held by an officer or employee.

(k) "Reassignment" is a change without promotion or demotion, from one position to another position, while serving continuously in the same agency.

(l) "Reemployment" is any employment including reinstatement, or any other type of appointment, after a break in Federal service of at least one full workday.

(m) "Repromotion" is the advancement of an employee while continuously employed from one Classification Act grade to a higher Classification Act grade formerly held by the employee or to a higher intermediate grade, or from a lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade, based on the highest previous rate paid to the employee.

(n) "Transfer" means a change of position by an employee from one branch of the Government to another or from one agency to another, without a break in service of a full workday.

§ 25.103 General provisions.

(a) *New appointments.* All new appointments shall be made at the minimum rate of the grade to which the employee is appointed. Where the minimum rate for a class of positions is increased under § 25.105, new appointments to those positions shall be made at the new minimum rate for that class.

(b) *Position or appointment changes.* (1) Subject to the mandatory requirements of paragraph (g) of this section and § 25.104, an employee who is reemployed, transferred, reassigned, promoted, repromoted or demoted, may be paid at any scheduled rate for his grade which does not exceed his highest previous rate. If the employee's highest previous rate falls between two scheduled rates of his new grade, he may be given the higher rate. If the employee's existing rate of basic compensation is less than the minimum scheduled rate of the

new grade, his compensation shall be increased to the minimum rate.

(2) An employee whose type of appointment is changed in the same position may continue to be paid at his existing rate or may be paid at any higher scheduled rate for his grade which does not exceed his highest previous rate; and if his highest previous rate falls between two scheduled rates of his grade, he may be given the higher rate.

(c) *Computation of highest previous rate.* The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of not less than 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, this rate shall be computed as follows: The actual rate earned at the time of such service shall be converted to the equivalent per annum rate under the Classification Act as of the time of such service; where there was no exact equivalent per annum rate under the Classification Act, the next higher Classification Act rate shall be considered an equivalent; where the rate thus determined falls within two or more grades under the Act, the rate in the grade which gives the employee the maximum benefit shall be used; the equivalent Classification Act rate thus determined shall be converted to the current rate for such step and grade and shall be the employee's highest previous rate.

(d) *Agency classification action.* Where an agency regrades a position to a grade higher than the one to which the position had been classified by Commission action, and where subsequent to the regrading, the Commission again classifies the position to the grade which it had originally assigned the position, the rate attained by the employee in the higher grade may not be used as his highest previous rate.

(e) *Pay-fixing—longevity steps.* After an employee has met the eligibility requirements for one or more longevity step increases, an agency may, at its discretion, use such longevity steps to fix an employee's rate of compensation at a comparable longevity step in any grade which is not higher than the grade in which the employee earned such longevity step increase(s).

(f) *Simultaneous actions.* When a position or appointment change and entitlement to a higher rate of pay occur at the same time, the higher rate of pay shall be considered the employee's existing rate of basic compensation. If the employee becomes entitled to two pay benefits at the same time, the changes shall be processed in the order which gives him the maximum benefit.

(g) *Conversion actions.* Where an employee occupies a position not subject to the Classification Act, and the employee together with his position is initially brought under the Act pursuant to a Reorganization Plan or other legislation, an Executive Order of the President, or a decision of the Civil Service Commission under section 203 of the Act, the employee's rate of basic compensation shall be determined as follows:

(1) If the employee is receiving a rate of basic compensation less than the minimum scheduled rate of the grade in which his position is placed, his compensation shall be increased to the minimum rate.

(2) If the employee is receiving a rate of basic compensation equal to a scheduled rate of the grade in which his position is placed, his compensation shall be fixed at such scheduled rate.

(3) If the employee is receiving a rate of basic compensation at a rate between two scheduled rates of the grade in which his position is placed, his compensation shall be fixed at the higher of the two rates.

(4) If the employee is receiving a rate of basic compensation in excess of the maximum scheduled rate of the grade in which his position is placed, and there is no provision of law which entitles him to retain such rate, he shall be paid the maximum scheduled rate for his grade.

§ 25.104 Special provisions.

(a) *Promotions and transfers.* The requirements of section 802(b) of the Act apply in reprimotion actions and in transfers involving promotions between Classification Act grades.

(b) *Classification decisions.* When a classification decision is made effective retroactively under Part 36 of the Commission's regulations, corrective personnel action affecting the employee concerned shall be treated as a cancellation or correction, as the case may be, of the original action of demotion and the employee concerned shall be entitled to retroactive pay in accordance with the terms of the corrective action.

§ 25.105 Special adjustments in minimum pay rate of the class.

(a) The minimum rate shall be increased only to the extent believed necessary to produce sufficient additional appointees.

(b) The agency that initiates a request for an increased minimum rate shall be responsible for submitting complete supporting data including, on the specific request of the Commission, a survey of the prevailing entrance rates paid by non-Federal employers in the area. Information and data obtained from private firms in the course of a salary survey shall be available only to the agencies concerned in evaluating the data.

(c) The Federal activity which has employees in the specific occupational class or classes included in the new minimum rate shall adjust the basic compensation of its current employees to the new minimum rate on the effective dates established by the Commission. This adjustment shall not be regarded as an

equivalent increase in compensation for step increase purposes. Pay of employees who are receiving basic compensation at a rate equal to or above the new minimum rate shall not be affected.

(d) Both the Commission and the agencies shall be responsible for initiating action to discontinue or revise a specially authorized minimum rate whenever the increased rate is no longer needed to meet recruitment needs. When a special increased minimum rate is discontinued or reduced, the pay of employees on the rolls in positions affected by the decision shall not thereby be reduced.

(e) A statutory revision of the compensation schedule for the General Schedule in the Act shall automatically change the entrance rate for new hires to the nearest step rate of the new schedule which does not result in a decrease in the new minimum rate prescribed by the Commission under the authority of section 803 of the Act.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 60-7024; Filed, July 27, 1960;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-353]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1956) stating that the Federal Aviation Agency proposed to modify the segments of VOR Federal airways Nos. 14, 31, and 84 between Buffalo, N.Y., and Albany, N.Y., between Elmira, N.Y., and Rochester, N.Y., and between Geneseo, N.Y., and Syracuse, N.Y., respectively, and to revoke the south alternate to VOR Federal airway No. 2 between Syracuse and Albany.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6002 (24 F.R. 10503, 25 F.R. 4376, 5568, 5328) "Albany, N.Y., VORTAC, including a S alternate via the INT of the Syracuse VORTAC 117° True and the Albany VORTAC 269°

True radials;" is deleted and "Albany, N.Y., VORTAC;" is substituted therefor.

2. In the text of § 600.6014 (24 F.R. 10506, 25 F.R. 3576, 5328, 5924) "Rochester, N.Y., omnirange station; Syracuse, N.Y., VOR; Utica, N.Y., VOR; Albany, N.Y., VORTAC;" is deleted and "Geneseo, N.Y., VORTAC; Georgetown, N.Y., VOR; INT of the Georgetown VOR 093° True and the Albany, N.Y., VORTAC 270° True radials; Albany VORTAC;" is substituted therefor.

3. In the text of § 600.6031 (24 F.R. 10510) "Elmira VOR 355° radial" is deleted and "Elmira VOR 357° True radial" is substituted therefor.

4. In the text of § 600.6084 (24 F.R. 10514, 25 F.R. 173, 4348) "Geneseo, N.Y., VOR; point of INT of the Elmira, N.Y., VOR 355° radial with the Ithaca, N.Y., VOR direct radial to the Rochester, N.Y., VOR;" is deleted and "Geneseo, N.Y., VORTAC; INT of the Geneseo VORTAC direct radial to the Georgetown, N.Y., VOR with the Ithaca, N.Y., VOR direct radial to the Rochester, N.Y., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7009; Filed, July 27, 1960;
8:45 a.m.]

[Airspace Docket No. 60-FW-27]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On May 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4290) stating that the Federal Aviation Agency proposed to modify VOR Federal airways No. 20 and 70 between Corpus Christi, Tex., and Palacios, Tex., and designate a north alternate to Victor 20 between these two terminals.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6020 (24 F.R. 10508, 25 F.R. 5178) "Corpus Christi, Tex., omnirange station, Palacios, Tex., omnirange station;" is deleted and "Corpus Christi, Tex., VORTAC; INT of Corpus Christi VORTAC 054° True and the Palacios VOR 226° True radials; Palacios, Tex., VOR, including a N alternate via the INT of the Corpus Christi VORTAC 039° True and the Palacios

VOR 241° True radials;" is substituted therefor.

2. In the text of § 600.6070 (24 F.R. 10513) "From the Corpus Christi, Tex., VOR via the Palacios, Tex., VOR;" is deleted and "From the Corpus Christi, Tex., VORTAC via the INT of the Corpus Christi VORTAC 054° True and the Palacios VOR 226° True radials; Palacios, Tex., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7010; Filed, July 27, 1960;
8:45 a.m.]

[Airspace Docket No. 60-WA-125]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On May 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4260) stating that the Federal Aviation Agency proposed to modify the south alternate to VOR Federal airway No. 20 between Lafayette, La., and New Orleans, La., and change the name of the Thibodaux, La., VOR to Tibby, La., VOR.

The notice stated that the existing south alternate between Lafayette and New Orleans was via the intersection of the Lafayette VOR 119° and the New Orleans VOR 255° True radials. This was in error and should have read: via the intersection of the Lafayette VOR 109° and the New Orleans 226° True radials.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me, by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6020 (24 F.R. 10508, 25 F.R. 5178) "including a south alternate via the intersection of the Lafayette omnirange 109° and the New Orleans omnirange 226° radial;" is deleted and "including a S alternate via the Tibby, La., VOR" is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7011; Filed, July 27, 1960;
8:45 a.m.]

[Airspace Docket No. 60-NY-41]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On May 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4291) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 483, and its associated control areas, from Rockdale, N.Y., to Syracuse, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6483 VOR Federal airway No. 483
(Rockdale, N.Y., to Syracuse, N.Y.).

From the Rockdale, N.Y., VOR via the INT of the Rockdale VOR 325° True and the Syracuse VORTAC 100° True radials; to the Syracuse, N.Y., VORTAC.

§ 601.6483 VOR Federal airway No. 483
control areas (Rockdale, N.Y., to
Syracuse, N.Y.).

All of VOR Federal airway No. 483.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7007; Filed, July 27, 1960;
8:45 a.m.]

[Airspace Docket No. 60-NY-42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On May 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4291) stating that

the Federal Aviation Agency proposed to designate VOR Federal airway No. 464, and its associated control areas, from Dunkirk, N.Y., to Geneseo, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6464 VOR Federal airway No. 464
(Dunkirk, N.Y., to Geneseo, N.Y.).

From the Dunkirk, N.Y., VOR to the Geneseo, N.Y., VORTAC.

§ 601.6464 VOR Federal airway No. 464
control areas (Dunkirk, N.Y., to
Geneseo, N.Y.).

All of VOR Federal airway No. 464.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-7008; Filed, July 27, 1960;
8:45 a.m.]

Chapter XV—Defense Air Transportation Administration, Department of Commerce

PART 1502—AIRCRAFT ALLOCATION

Sec.

1502.1 Issuance of aircraft allocations.

1502.2 Reporting requirements.

AUTHORITY: §§ 1502.1 and 1502.2 issued under sec. 301 (a), (b) and (c), Executive Order 10219.

§ 1502.1 Issuance of aircraft allocations.

From time to time the Administrator, Defense Air Transportation Administration, issues orders allocating aircraft to the Department of Defense, identified by FAA registration number, for the Civil Reserve Air Fleet Program and/or as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. The current listing of aircraft allocations will appear in the Notice section of the FEDERAL REGISTER.

§ 1502.2 Reporting requirements.

In the event any aircraft identified in the allocations in effect:

(a) Is destroyed or suffers major damage, the owner and/or operator, shall give immediate notice thereof to the Defense Air Transportation Administration, or

(b) Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to the

Defense Air Transportation Administration together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

Dated: July 21, 1960.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air
Transportation Administration.
FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-7020; Filed, July 27, 1960;
8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Subpart B—Civilian Employees

MISCELLANEOUS AMENDMENTS

1. Section 292a.51 is amended to read as follows:

§ 292a.51. Certificate of need.

(a) *Issuance by Secretary of Defense.* No mortgage covering property at a military installation shall be insured unless the Secretary of Defense, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilians employed in connection with a research or development installation of one of the military departments of the United States or a contractor thereof, and that there is no present intention to substantially curtail the number of such civilian personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Commissioner of the need for such housing.

(b) *Issuance by Administrator of National Aeronautics and Space Administration.* A mortgage may be insured under this subpart secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, where such installation was a research or development installation of one of the military departments of the United States (on or after June 13, 1956) before its transfer to the jurisdiction of such Administration. The mortgage shall not be insured, however, unless the Administrator of the National Aeronautics and Space Administration, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilian or military personnel employed or assigned to duty in connection with a research or development installation of

the National Aeronautics and Space Administration or a contractor thereof, and that there is no present intention to substantially curtail the number of such personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Commissioner of the need for such housing.

2. Section 292a.52 is amended to read as follows:

§ 292a.52 Employment status certificate.

(a) *Certificate by Secretary of Defense.* No mortgage covering property at a military installation shall be insured unless the Secretary of Defense, or his designee, has issued a certificate indicating that the mortgagor: (1) Requires housing; (2) is, on the date of the certificate, a civilian employee at a research or development installation of one of the military departments of the United States, or contractor thereof, at a research or development installation; and (3) is considered by the military department to be an essential, nontemporary employee at such date. Such certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and of the mortgagor's need for housing.

(b) *Certificate by Administrator of National Aeronautics and Space Administration.* An employment status certificate shall be required in connection with a mortgage secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, where such installation was a research or development installation of one of the military departments of the United States (on or after June 13, 1956) before its transfer to the jurisdiction of such Administration. No mortgage shall be insured unless the Administrator of the National Aeronautics and Space Administration, or his designee, has issued a certificate indicating that the mortgagor: (1) Requires housing; (2) is, on the date of the certificate, a civilian employee or one of the military personnel assigned to duty at a research or development installation of the National Aeronautics and Space Administration, or is an employee of a contractor thereof, who is employed at such research or development installation; and (3) is considered by the National Aeronautics and Space Administration to be an essential, nontemporary employee at such date. Such certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and of the mortgagor's need for housing.

3. Section 292a.59 is amended to read as follows:

§ 292a.59 Guarantee of fund from loss.

If the Commissioner determines that insurance of mortgages on housing as certified by the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration is not an acceptable risk, he may require the Secretary or the Administrator, as the case may be, to guarantee the Armed

Services Housing Mortgage Insurance Fund against loss with respect to mortgages insured under this subpart.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h-1)

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-7025; Filed, July 27, 1960;
8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 8—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

PART 9—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Miscellaneous Amendments

On June 25, 1960, a notice of proposed amendments to 29 CFR Part 8, Safety and Health Regulations for Ship Repairing, and 29 CFR Part 9, Safety and Health Regulations for Longshoring, was published in the FEDERAL REGISTER (25 F.R. 5380). After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendments, the amendments as so published are hereby adopted, subject to the changes set forth below.

1. Paragraph (d) of § 8.45 shall have the following sentence added at its end: "Sections of the railing may be temporarily removed when necessary to permit line handling while a vessel is entering or leaving the dock."

2. Paragraph (a) of § 9.12 shall be amended as follows: The word "certification" appearing in the last sentence shall be changed to "certificates".

These amendments shall become effective August 12, 1960.

Signed at Washington, D.C., this 21st day of July 1960.

JAMES P. MITCHELL,
Secretary of Labor.

1. In order to conform the heading of § 8.1 to the preferable one stated in the table of contents as it appeared in 25 F.R. 1543, the heading of 29 CFR 8.1 is amended to read as follows:

§ 8.1 Purpose and authority.

2. In order to simplify its text, 29 CFR 8.2(a) is amended to read as follows:

§ 8.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations in this Part 8 is placed on the "employer" as defined in 29 CFR 8.3(c).

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

3. In order to take advantage of the precision afforded by the definition in 29 CFR 8.3(j), 29 CFR 8.3(c) is amended by deleting the word "services" and substituting the word "employments" so that paragraph (c) will read as follows:

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in this section within the Federal Maritime jurisdiction on the navigable waters of the United States, including dry docks and marine railways.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

4. In order to make 29 CFR 8.7 available for the substance of a new section, the present 29 CFR 8.7 is renumbered 29 CFR 8.8.

5. In order to provide for notification of serious accidents in time for an investigation of their causes before the circumstances have changed substantially, a new 29 CFR 8.7 is provided to read as follows:

§ 8.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US-202 (approved by Budget Bureau No. 44-R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

(44 Stat. 1444; 33 U.S.C. 930)

6. In order to correct a typographical error the reference in 29 CFR 8.31(d) (1) (ii) to § 8.36(c) is amended to refer to § 8.36(e), so that as amended 29 CFR 31(d) (1) (ii) will read as follows:

§ 8.31 Ventilation and protection in welding, cutting, and heating.

(d) Inert-gas metal-arc welding. (1) * * *

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 8.36(e) shall be protected by filter lenses meeting the requirements of § 8.81 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 8.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

7. In order to correct an inadvertence the reference in 29 CFR 8.33(b) to "paragraph (c) (1) and (2) of this section" is amended to refer to § 8.31(c) (1) and (2), so that as amended 29 CFR 8.33(b) will read as follows:

§ 8.33 Welding, cutting and heating in way of preservative coatings.

(b) When welding, cutting or other heating must be done in locations inaccessible to removal of preservatives containing toxic materials, the precautions specified in § 8.31(c) (1) and (2) shall be taken.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

8. In order to correct a typographical error, the heading of paragraph (c) *Manifolds* of § 8.35 is amended to read: (e) *Manifolds*.

9. In order to eliminate the requirement of labeling hoses otherwise distinguishable and to make it clear that separate hoses for fuel and oxygen are required, 29 CFR 8.35(f) (1) is amended to read as follows:

§ 8.35 Gas welding and cutting.

(f) *Hose*. (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

10. In order to extend 29 CFR 8.45 to graving docks and add certain technical detail, 29 CFR 8.45 is revised to read as follows:

§ 8.45 Access to and guarding of dry docks.

(a) A gangway, ramp, or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wingwalls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 nor more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid-rail, shall be provided on the edges of wingwalls of floating dry docks and on the edges of graving docks. Sections of the railing may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where

they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a mid-rail. When such a railing would be impractical or ineffective, other effective means shall be provided to prevent men from falling into the water.

11. In order to correct a typographical error the reference in 29 CFR 8.54 to § 8.31(b) (4) is amended to refer to § 8.31(b) (3), so that the amended 29 CFR 8.54 will read as follows:

§ 8.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 8.31(b) (3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

12. In order to correct an inadvertence, paragraphs (b) and (c) of § 8.62 are designated paragraphs (b) and (c) of § 8.63.

13. In order to correct an inadvertence by reversing the 30° and 60° bridle or basket hitch columns in tables G-3 and G-5 and to provide certain additional detail in table G-6, tables G-3, G-5, and G-6 in 29 CFR 8.63 are amended in accordance with the tables which appear below.

14. In order to provide a minimum distance between the work rests and grinder wheel and in order to clarify certain nomenclature, 29 CFR 8.74(b) is amended to read as follows:

§ 8.74 Abrasive wheels.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed 1/8 inch from the surface of the wheel.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

15. In order to conform the heading of § 9.1 to the preferable one stated in the table of contents as it appeared in 25 F.R. 1565, the heading of 29 CFR 9.1 is amended to read as follows:

§ 9.1 Purpose and authority.

16. In order to simplify its text and conform its structure to the comparable provision concerning ship repair (29 CFR 8.2), 29 CFR 9.2 is amended to read as follows:

§ 9.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 9.3(c) of this part.

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as em-

ployers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

17. In order to make 29 CFR 9.7 available for the substance of a new section, the present 29 CFR 9.7 is renumbered 29 CFR 9.8.

18. In order to provide for notification of serious accidents in time for an investigation of their causes before the circumstances have changed substantially, a new section § 9.7 is provided to read as follows:

§ 9.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US-202 (approved by Budget Bureau No. 44-R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

(44 Stat. 1444; 33 U.S.C. 930)

19. In order to make compliance with the recommendations of the International Labor Office mandatory, 29 CFR 9.12(a) is amended to read as follows:

§ 9.12 Gear certification.

(a) The employer shall not use the ship's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates indicating that the cargo gear has been tested, examined and annealed in accordance with (1) the requirements of International Labor Organization Convention No. 32, and (2) the recommendations of the International Labor Office concerning the procedures to be followed in testing, examining and annealing cargo gear, which are contained in Appendix I of this Part 9. The forms of registers and certificates shall be essentially in accordance with the sample forms.

20. In order to exempt safety hooks from the limitation on the use of hooks generally in 29 CFR 9.42(b), paragraph (b) is amended to read as follows:

§ 9.42 Beam and pontoon bridles.

(b) Bridles for lifting hatch beams or strongbacks shall be equipped with toggles, shackles, or other safe devices.

No. 146—2

Toggles, when used, shall be at least one inch longer than twice the longest diameter of the holes into which they are placed. Hooks, other than safety hooks, may be used only when they are hooked into the standing part of the bridle.

21. In order to correct an inadvertence by reversing the 30° and 60° bridle or basket hitch columns in tables G-3 and G-5 and to provide certain additional detail in table G-6, tables G-3, G-5, and




G-6 in 29 CFR 9.63 are amended in accordance with the tables which appear below.

22. In order to correct a typographical error, the heading of Form No. 3 in Appendix I of 29 CFR Part 9 is amended to read as follows:

Test Certificate No. ----- Form No. 3




CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

TABLE G-3.
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT
WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60° 			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G-5.
RATED CAPACITIES FOR IMPROVED PLOW STEEL,
FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60° 			45° 			30° 		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8"	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2"	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8"	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4"	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8"	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1"	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8"	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4"	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8"	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2"	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4"	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2"	62.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter (inches)	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/2	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/4
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/4
1 3/8	6	7	8 1/4
1 1/2	6	8	9

[F.R. Doc. 60-7016; Filed, July 27, 1960;
8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Manage- ment, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2167]

[Juneau 010877]

ALASKA

Revoking Executive Orders No. 3465 of May 19, 1921, and No. 5036 of January 24, 1929

By virtue of the authority vested in the President by the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 3465 of May 19, 1921, withdrawing the hereinafter described lands in Alaska for use of the Forest Service as a marine repair station in connection with the administration of the Tongass National Forest, and Executive Order No. 5036 of January 24, 1929, withdrawing the hereinafter described lands to protect the water supply of the marine station, are hereby revoked:

Executive Order No. 3465

U.S. Survey No. 1685.

The tract described contains 58.61 acres.

Executive Order No. 5036

All land within 100 feet of a center line extending South 36° West from corner No. 4 of U.S. Survey No. 1334 for a distance of approximately 2,300 feet; thence South approximately 600 feet to the outlet of a small unnamed lake, and all land lying within one quarter of a mile from the shore of said lake, excepting such part as may be included within the said U.S. Survey No. 1334 upon which patent has issued.

The tract described contains approximately 20 acres.

2. Any lands released from the withdrawal made by Executive Order No. 5036 which are within the boundaries of the Tongass National Forest shall at 10:00 a.m. on August 27, 1960, be open to such forms of appropriation as may by law be made of national forest lands.

3. Subject to any existing valid rights and the requirements of applicable law, the public lands are hereby opened to

settlement and to filing of applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to filing of such applications, selections, and locations as may by law be made for unsurveyed lands:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. The lands, or portions thereof, have been and are occupied by and are in the possession of permittees of the Forest Service, who have erected valuable improvements thereon, and who claim an equitable interest thereon.

(2) Until 10:00 a.m. on October 22, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 22, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(4) Beginning at 10:00 a.m. on October 22, 1960, the lands will be subject to settlement under the homestead and Alaska homesite laws.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metaliferous minerals. They will be open to location for nonmetaliferous minerals at 10:00 a.m. on October 22, 1960, subject to valid existing rights and the requirements of applicable law.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Juneau, Alaska.

ROGER ERNST,

Assistant Secretary of the Interior.

JULY 22, 1960.

[F.R. Doc. 60-7015; Filed, July 27, 1960;
8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13477; FCC 60-886]

PART 3—RADIO BROADCAST SERVICES

Minimum Operating Requirements of Broadcast Stations

1. On April 22, 1960, the Commission released a Notice of Proposed Rule Making (FCC 60-421) instituting rule making in this proceeding on a proposal to change the minimum operating requirements for standard broadcast stations to enable daytime only stations to sign-off the air at 6 p.m. It was also proposed to revise the requirements for notification to the Commission in the event of operation stoppages of standard, FM or television broadcast stations because of technical difficulties so as not to require notification when the off-the-air period is of such short duration that the minimum hour requirements for operation can still be met by a station. Additionally, it was proposed to require notification of resumption of operation in all cases requiring notification of operation stoppages.

2. No comments opposing the aforementioned proposals were received. The National Association of Broadcasters and The Scranton Times, licensee of standard broadcast Station WEJL, Scranton, Pennsylvania, filed comments supporting all proposals. Comments were also received from Milam Broadcasting Company, licensee of standard broadcast Station KMIL at Cameron, Texas, endorsing the proposal to permit daytime only stations to sign-off the air at 6 p.m. The New Orleans Television Corporation, which operates Television Station WVUE pursuant to special temporary authorization at New Orleans, Louisiana, filed comments supporting the proposed changes in notification requirements with respect to operation stoppages.

3. The comments received on the proposal to amend § 3.71 of the rules by placing operation after 6 p.m. on an optional basis insofar as daytime standard broadcast stations are concerned substantiate our conclusion that this relaxation in the rules would be beneficial to both the Commission and daytime broadcasters and would be in the public interest. In the past the Commission has been advised by numerous daytime only stations that they find it a hardship and economically unfeasible to meet the present minimum requirement for operation after 6 p.m. during the months when their specified local sunset time falls after 6 p.m. Daytime only stations have also informed of their difficulty in acquiring an audience for their programs after 6 p.m., since listeners during the greater part of the year are not accustomed to receiving a daytime station after 6 p.m., and their listening habits are not easily changed, particularly when the required minimum operation for a few months after 6 p.m., changes from month to month, as the

interval between 6 p.m. and local sunset increases or decreases. These reports are corroborated by the comments received in this proceeding. While we have found these reasons good cause for waiving § 3.71 of the rules to permit daytime only stations to sign-off the air at 6 p.m., during the months when their specified local sunset time falls after 6 p.m.—75 or more such waiver requests are acted upon yearly—a rule change making operation after 6 p.m. permissive for daytime only stations would obviate the necessity for these waiver requests, lessen our administrative workload and the paperwork of daytime stations, and is believed to be warranted.

4. We also believe it desirable to relax the present requirement in §§ 3.71, 3.261 and 3.651 of the rules which respectively requires standard, FM and television licensees to notify the Commission in writing of every operation stoppage due to technical difficulties so as to make such notification unnecessary for technical failures of such short duration that the minimum hour requirements for operation can still be met. A record of each operation stoppage because of technical difficulties must be kept in a station's operating log, and we consider this to be sufficient information for the Commission's purposes with respect to those brief operation stoppages which do not make it impossible for a station to adhere to the minimum operation requirements. To best serve the Commission's purposes however, we believe that, in addition to receiving notification of each operation stoppage which makes it impossible for a station to adhere to minimum operation requirements, we should subsequently be notified when operation is resumed. The revised provisions relating to notification in §§ 3.71, 3.261 and 3.651 below therefore provide for such notification also.

5. Authority for the adoption of the amendments herein is contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended.

6. The amended provisions of §§ 3.71, 3.261 and 3.651 respecting notification requirements are procedural in nature. The amendment to § 3.71 which enables daytime only stations to sign off the air at 6 p.m. is of practical utility now to those daytime only stations whose specified local sunset time falls after 6 p.m. In these circumstances, we find good cause for making the amendments effective prior to the 30-day publication period prescribed by section 4(c) of the Administrative Procedure Act.

7. In the light of the foregoing: *It is ordered*, That, effective July 28, 1960, §§ 3.71, 3.261 and 3.651 of the Commission's rules are amended as set forth below, and this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 20, 1960.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Acting Secretary.

1. Section 3.71 is amended to read as follows:

§ 3.71 Minimum operation schedule.

(a) All standard broadcast stations are required to maintain an operating schedule of not less than two-thirds of the total hours they are authorized to operate between 6 a.m. and 6 p.m., local standard time, and two-thirds of the total hours they are authorized to operate between 6 p.m. and midnight, local standard time, on each day of the week except Sunday: *Provided, however*, That stations authorized for daytime operation only need comply only with the minimum requirement for operation between 6 a.m. and 6 p.m.

(b) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

2. Section 3.261 is amended to read as follows:

§ 3.261 Time of operation.

(a) All FM broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6 a.m. to midnight, consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293 to 3.295) shall not be included in meeting this 36-hour broadcast requirement.

(b) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

3. Section 3.651(a) is amended to read as follows:

§ 3.651 Time of operation.

(a) (1) All television broadcast stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: Not less than 2 hours daily in any five broadcast days per week and not less than a total of 12 hours per week during the first 18 months of the station's operation; not less than 2 hours daily in any 5 broadcast days per week and not less than a total of 16 hours, 20

hours and 24 hours per week for each successive 6-month period of operation, respectively; and not less than 2 hours in each of the 7 days of the week and not less than a total of 28 hours per week thereafter.

(2) "Operation" includes the period during which a station is operated pursuant to temporary authorization or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentations, shall not be considered in computing periods of program service.

(3) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in subparagraph (1) of this paragraph or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

[F.R. Doc. 60-7041; Filed, July 27, 1960; 8:50 a.m.]

[Docket 13083; FCC 60-891]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

Use of Microwave Frequencies

1. On August 6, 1959, the Commission released a Notice of Proposed Rule Making and a Supplemental Notice of Proposed Rule Making covering technical standards to govern, during the interim until such time as rules are promulgated on a regular basis, the granting of applications for the use of microwave frequencies above 952 Mc for private communications systems, excluding broadcasters. The original date for filing comments herein, August 24, 1959, was extended to September 24, 1959, pursuant to a request therefor filed by Electronics Industries Association (EIA). Thereafter, by Order released September 1, 1959, the Commission denied a request filed by General Telephone Service Corporation (General) to extend the period of time in which to file comments in this proceeding until at least 30 days following final action on a petition for reconsideration of the Commission's Report

and Order in Docket No. 11866, which it expected to file or any other petition which might be filed. Subsequently, by Order dated September 30, 1959, in Docket No. 11866, in connection with a request for a stay in that proceeding, the Commission also denied requests of General and others that the Commission defer action on the rule making proceeding herein until at least 30 days following final action by the Commission on pending requests for reconsideration in that proceeding. Timely comments were received from thirty parties.

2. In its comments on the instant rule making proposal filed on September 24, 1959, EIA requested that the proposal as to bandwidth be held in abeyance until such time as the EIA Engineering Ad Hoc Committee, which was then studying the problem, could complete its work and make recommendations. In a letter dated and filed January 19, 1960, EIA filed its recommendations concerning bandwidth specifications for use of microwave frequencies by private communications systems. By Order released January 27, 1960, the Commission extended the time for filing comments and accepted such filing. Such Order further provided that interested parties could file comments or replies within a period of twenty days from date of release of such Order. At the request of certain parties, this time was subsequently extended until April 1, 1960.

3. The time for filing comments has now expired. All comments filed in this proceeding have been carefully considered and will be discussed according to subject matter as set forth hereinafter and will not be identified in all cases by the proponents thereof.

4. Review of comments, particularly those received from existing licensees of private microwave systems,¹ indicate some apprehension that the proposed standards would, upon adoption, be applied to all equipment then in operation. These parties generally stated that the equipment now used in existing systems would not meet the standards set forth in the proposed rules, particularly with respect to tolerances, and urged that such equipment and systems be exempted from such standards until such time as harmful interference is encountered. Alternatively, some suggested that they be permitted to use their present equipment during a specified period sufficient to amortize the cost thereof. It was also suggested by some that the Commission should authorize, on a case-by-case basis, additions or modification to existing systems using equipment that does not meet the proposed standards during such period.

5. Most of the parties who filed comments indicated their support for some technical standards governing the granting of applications for private microwave systems. Some, however, suggested that the Commission should defer standards for the so-called "microwave mobile bands", i.e., 2450-2500, 6525-6575, and 10550-10700 Mc, until some future time when more data are known concerning

operations therein. It was suggested by most of those who commented thereon, that no standards should be set at this time for operations using frequencies above 16000 Mc. EIA stated that, in general, it supports immediate adoption of adequate technical standards, followed by periodic review and revision to meet the demands placed upon the private microwave spectrum. Several of the parties indicated general agreement with the EIA proposal, which is discussed more fully hereinafter, although certain of these parties suggested modifications or alternatives to such proposal. A few parties, however, argued that the proposed standards were unrealistic and unwarranted. Their comments were apparently related to the problems involved with converting existing equipment to meet the proposed standards rather than with the design and production of new equipment.

6. In its January 19, 1960, submittal, EIA recommended that the Commission adopt the concept of "channel bandwidth", which was defined as "An authorized band of frequencies which includes allowances for necessary bandwidth plus transmitter frequency tolerance." Using such definition, it further recommended channel bandwidth standards as follows:

Frequency band (Mc)	Channel bandwidth	
	For adoption in Docket 13083	5 years after adoption, Docket 13083
952.0-952.6	100 kc	100 kc
952.6-960.0	100 kc	100 kc
1850-1990	2 8 Mc	2 8 Mc
2110-2200	2 8 Mc	2 8 Mc
2450-2500	(2)	(2)
2500-2700	2 8 Mc	2 8 Mc
6525-6575	(2)	(2)
6575-6875	20 Mc	2 10 Mc
10550-10700	(2)	(2)
12200-12700	50 Mc	2 25 Mc
Above 16000	(2)	(2)

¹ Additional channel bandwidths may be authorized upon a factual showing of need therefor; however, bandwidths in excess of 500 kc will not be authorized.

² Additional channel bandwidths may be authorized upon a factual showing of need.

³ To be specified in the authorization.

7. Comments were received from eleven parties in reference to the above-described EIA proposed bandwidth standards. Most of the comments on channel bandwidths were generally favorable. However, three parties stated that a strict set of standards should not be established at this time, and two other parties expressed concern that the standards, if adopted, would have an adverse impact on existing equipment. The Association of American Railroads (AAR) stated that it supported EIA in reference to the channel bandwidths in Column 1 as proposed for adoption in Docket 13083 but that the standards listed in Column 2 which referred to channel bandwidth "5 years after adoption of Docket 13083" should not be included in any rules or regulations because the railroads propose to use microwave systems capable of transmitting 600 voice circuits, medium-high to high speed facsimile, high speed data, and television, and that, in its opinion, the channel bandwidths necessary for these purposes

will exceed the limits shown in Column 2.

8. With a few exceptions, there was general agreement as to the proposed power and beamwidth. Several parties suggested that power for the 952-960 Mc band be increased from 3 watts up to 30 watts in order to accommodate long distance control-repeater circuits. EIA and certain other parties requested that provision be made for a beamwidth of 4 degrees in the 12200-12700 Mc band in lieu of 2 degrees as proposed. The National Committee for Utilities Radio (NCUR) suggested beamwidths considerably narrower than those proposed with the notation that they should apply in critical and congested areas only. Some parties urged that provision should be made for omnidirectional antenna systems for traffic control system. EIA and Motorola suggested that the frequency band 952.0-952.6 Mc be made available for such systems using power up to 100 watts. NCUR also requested omnidirectional antenna systems in bands above 10,000 Mc and in the 6525-6575 and 6575-6875 Mc bands on an engineered, case-by-case basis for capacitor and street light control and off-peak load control.

9. In their comments on bandwidths set forth in the Notice of Proposed Rule Making, Scatter Communications, Inc., an organization engaged in design and installation of communications systems, stated that the bandwidths, as proposed, impose discriminatory and unnecessary restrictions upon 2 KMC wideband systems when compared with 7 KMC and 10 KMC wideband systems. It stated that it is possible to achieve channel capacity of 600 channels in the 6575-6875 Mc band with a 10 Mc bandwidth but only 240 channels in the 2110-2200 Mc where the proposed bandwidth was limited to 4 Mc. The State of Minnesota, Department of Highways, stated that it had made a six months engineering study for a proposed Statewide Communications system using frequencies in the 952-960 Mc band with 25 watts output power and a bandwidth of 700 kc to provide as many as ten voice channels. It was claimed that such system would use "type accepted" microwave equipment and would replace control and repeater equipment now operating in the 72-76, 154-160, and 453-459 Mc bands. It was claimed that the 2000 and 6000 Mc bands were unsatisfactory because many more repeater stations would be required. The Commission was urged not to adopt the proposed standards for the 952-960 Mc band but to "consider retaining those standards by which Operational Fixed operation is permitted under Part 10 of the rules."

10. By far, the bulk of the comments were directed toward the proposed frequency tolerances. In authorizations now being made, the Commission is requiring a frequency tolerance of 0.005 percent for the 952-960 Mc band and 0.05 percent for all higher bands. The Commission proposed that the tolerance for the 952-960, 1850-1990, 2110-2200, and 2500-2700 Mc bands be reduced to 0.0005 percent; 6525-6575 and 6575-6875 Mc bands reduced to 0.005 percent; and higher bands reduced to 0.05 percent.

¹ As used herein, the term "private microwave systems" is meant to exclude broadcast.

11. Motorola supported the Commission's tolerance proposal for the range 952-3000 Mc, stating that the transmitter frequency tolerance and antenna beamwidth proposed in the Docket are within the state of the art. EIA and General Electric also supported the proposed tolerance for the 952-960 Mc band, stating that such tolerance was within the state of the art, but EIA suggested a more lenient tolerance for the higher bands as shown in the table below. EIA further claimed that, while tolerances as proposed can be obtained technically, it is economically infeasible to do so at the present time. General Electric, while indicating its support of the EIA proposal, suggested a general frequency tolerance of 10 percent of the bandwidth employed.

12. EIA suggested that the Commission adopt progressively restrictive tolerance criteria which would be respectively applicable now, one year after adoption of rules, five years after adoption of rules, and ultimately, as follows:

TOLERANCE (PERCENT)

Frequency band	Now	1 year after adoption	5 years after adoption	Ultimate
952.0-952.6.....	0.0005	0.0005	0.0001	0.0001
952.6-960.....	.0005	.0005	.0001	.0001
1850-1990.....	.05	.02	.01	(*)
2110-2200.....	.05	.02	.01	(*)
2450-2500.....	(*)	(*)	(*)	(*)
2500-2700.....	.05	.02	.01	(*)
6525-6575.....	(*)	(*)	(*)	(*)
6575-6875.....	.05	.03	.01	(*)
10550-10700.....	(*)	(*)	(*)	(*)
12200-12700.....	.1	.1	.05	(*)
Above 16000....	(*)	(*)	(*)	(*)

* Dependent upon final channel bandwidth.

* To be specified in authorization.

While, as indicated above, the user groups generally opposed the tolerance standards proposed by the Commission as being too restrictive, it is clear that such opposition stems principally from their concern that existing equipment would be rendered obsolete.

13. In a comment filed by the Canadian Marconi Company, which claimed to have invested substantial amounts in the design and production of broadband FM multichannel radio relay equipment, it was argued that the proposed standards deviate radically from the CCIR recommendations² with respect to frequency tolerance and bandwidth, which are internationally accepted as the basis for multichannel radio relay equipment design. It was pointed out that the CCIR recommended frequency tolerance for the 1850-1990 and the 2110-2200 Mc bands is 0.03 percent and there is no restriction on the bandwidth, whereas Docket No. 13083 proposes a frequency tolerance of 0.0005 percent for both bands with a bandwidth limitation of 8

Mc for the 1850-1990 Mc band and 4 Mc for the 2110-2200 Mc band. It was further claimed that the proposal herein discriminates strongly against manufacturers of broadband FM multichannel radio relay systems having capacity in excess of 120 channels or capacity for high speed data transmission.

14. As noted above, EIA has suggested that technical standards for so-called "microwave mobile bands", viz., 2450-2500, 6525-6575, 10550-10700 Mc, not be adopted at this time in order to allow for maximum development of many portable and mobile services. Likewise, they requested deferral of technical standards for the bands above 16000 Mc.

15. The Joint Council on Educational Television (JCET) and the Southern Regional Education Board (SREB) in a joint filing, claimed that the Report and Order in Docket No. 11866 did not adequately provide for educational television needs, thereby making it technically impossible to comment productively upon the technical details of the proposed standards. In Docket No. 11866, these organizations had requested the allocation of a block of frequencies 500 Mc wide below 10000 Mc and preferably between 3000 and 6500 Mc. In their comments herein, they requested the Commission to adopt technical standards governing the grant of applications for the use of microwave frequencies for private communications systems which would accommodate such proposed educational use. It was stated that a bandwidth of approximately 20 Mc is necessary in order "to provide a service of adequate quality for the transmission of the educational television programs proposed."

16. In considering the comments filed herein, we desire at the outset to emphasize that the proper development of the microwave spectrum requires that orderly and systematic procedures and proper technical criteria be applied at the earliest practicable time in the issuance of authorizations for private microwave systems. Authorizations for private microwave systems in certain cases have been made during the past several years, mostly on a developmental basis. The technical specifications for such equipment and systems have been set forth in each authorization. The experience thus gained has proved invaluable to us in formulating appropriate standards and criteria. It is significant, we think, that most of the comments herein support the view that some technical standards should be adopted. The standards proposed herein govern the licensing of equipment used in private microwave systems only during the interim until such equipment and systems are licensed on a regular basis. As such, this proceeding constitutes the first step in assuring the development of microwave systems in an orderly and effective manner.

17. We do not at this time propose to make the standards adopted herein applicable to existing equipment or systems. Thus, any transmitting equipment now authorized (including antennas), or for which an authorization is issued based upon an application which

is filed prior to the effective date of this Report and Order, may be used by the licensee, his successors or assigns in business, provided the operation of such equipment does not result in harmful interference to another station which is operating in accordance with these standards. In case of interference, the licensee will be required to take whatever corrective measures are necessary to alleviate the interference. On and after the effective date of this Report and Order, all equipment authorized for use in private microwave systems, except as provided above, must comply with these technical standards.

18. We turn, then, to the comments filed jointly by the Joint Council of Educational Television (JCET) and the Southern Regional Education Board (SREB) concerning the need for microwave frequencies for educational television operations and also to the comments filed by the various parties herein concerning omnidirectional antenna systems. Basically, the question as to frequencies to be allocated for educational television purposes is a matter to be decided in Docket No. 11866 and is not within the scope of the proceedings here. Since both JCET and SREB have filed a petition for reconsideration in the latter docket, their request will be disposed of in connection with that proceeding. Similarly, the Commission in its Report and Order in Docket 11866, stated that omnidirectional antenna systems would substantially curtail the use which may be made of microwave frequencies because a frequency used in such a system could not be used in the same area by another licensee. It was further provided therein that authorizations for such systems would be made on a case-by-case basis, on a showing of exceptional and unique circumstances, using frequencies above 16,000 Mc. Thus, this, too, is a matter which goes to the basic policy determination in Docket 11866 and is, therefore, beyond the scope of the instant proceeding. The action taken herein on these matters, of course, is without prejudice to any action which may be taken in Docket 11866, or in any subsequent rule making proposal on this matter.

19. As shown above, and except for the proposals relating to omnidirectional antenna systems and for the "microwave mobile" bands, there was general agreement as to the powers and beamwidths proposed. It was suggested that the power should be increased to 30 watts in the 952-960 Mc band in order to accommodate long-range control-repeater circuits, and that the beamwidth in the 12 KMC band be increased from 2° to 4° in order to facilitate development of equipment in this band. We believe that the public interest will be served by permitting, during this interim period, 30 watts power in the 952-960 Mc band and 4° beamwidth in the 12 KMC band. The increase in beamwidth from 2° to 4° will permit the use of parabolic reflectors of smaller physical size, avoid the need for extremely rigid bracing usually required to prevent "twisting" in high winds, and in general

² International Radio Consultative Committee, VIII Plenary Session, Warsaw, 1956. Recommendation No. 148:

1.5. In band G (500 Mc/s-10,500 Mc/s): for wide-band radio relay systems the tolerance should be 0.05 percent for the next several years and 0.03 percent thereafter:

2. That the above tolerances are applicable to those stations which might cause international interference or which are used in international services;

aid in the handling and installation of the equipment.

20. With respect to the proposal of EIA concerning bandwidth, it is noted that the recommendations agree substantially with the Commission's proposal for the bands 952-960 Mc and 1850-1990 Mc., but in the higher bands EIA has recommended wider limits. According to available information, the bandwidths proposed by the Commission are within the present state of the art and no showing to the contrary has been made by any of the parties to this proceeding. In view of this, and in view of the provision made herein to permit existing systems to continue to utilize authorized equipment under certain circumstances until harmful interference is caused, and because of the time interval preceding the effective date of the Report and Order herein, we believe that the public interest would be served by the adoption of the bandwidths as set forth in the Appendix attached hereto. Accordingly, as a general rule, we will issue authorizations in accordance with the bandwidths specified in the Appendix attached hereto. However, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels, except in the 2110-2200 Mc band, based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. The band 2110-2200 Mc is expected from the latter flexibility in view of the fact that it is shared with common carrier services under rules which absolutely restrict bandwidth to a maximum of 5 megacycles. Bandwidth limits will apply to necessary or occupied bandwidth, whichever is greater. Spacing between assignable frequencies will be made equal to the maximum values as shown for bandwidth. By specifying separate values for frequency tolerance and bandwidth it is not necessary to use the EIA concept of "channel bandwidth".

21. This brings us to the comments of the Highway Department of the State of Minnesota, and other parties, concerning broadband operations in the microwave bands. Part 10 of the Commission's Rules does not contain technical standards for microwave equipment nor has the Commission type accepted any such equipment for use in private microwave systems. With respect to authorized bandwidth, the Commission has followed a strict policy of not authorizing bandwidths in excess of 500 kc in the 952-960 Mc band. Persons who have need for high capacity systems will be expected to operate in the higher microwave bands where more frequency space generally is available. Conversely, those who have need for a low capacity system which can be accommodated in a 500 kc bandwidth or less will be expected to operate in the band 952-960 Mc. Thus, we feel that the public interest will be served better by making provision generally for wider bandwidths of emission in the higher microwave bands.

22. The question of tolerances presents a more complex problem. It is

evident that the thrust of the comments on this point has been directed to the argument that the proposed tolerances are economically infeasible at this time. EIA and Motorola both assert that the proposed tolerance of 0.0005 percent is within the state of the art for the 952-960 Mc band and Motorola states that 0.0005 percent is within the state of the art for the bands up to 3000 Mc. Data on file in the Commission disclose that certain of the microwave equipment now being manufactured meets the proposed tolerances in those bands.

23. At the present time, as shown in the Report and Order in Docket No. 11866, there are relatively few private radio stations in operation using frequencies above 890 Mc. In view of this fact and since the standards herein are of an interim nature, we feel that it would be appropriate for some relaxation of the proposed standards for tolerances in the bands above 960 Mc. Thus, the tolerance for the bands 1850-1990, 2110-2200, 2500-2700, 6525-6575, and 6575-6875 Mc will be reduced to 0.02 percent. The tolerance for the 12000 Mc band remains at 0.05 percent, as proposed, and tolerances in the bands above 16000 Mc will be specified in each authorization.

24. We have noted the suggestions that technical standards should not now be adopted for the so-called "microwave mobile" bands or for the grant of authorizations above 16000 Mc. While it is true that the nature and usage in the "microwave mobile" bands may be varied and may present some unique and novel problems, we believe that some broad and liberal criteria are desirable for such operations in order to provide general guidelines and yet afford a certain amount of protection. The same considerations also hold true with respect to authorizations for private microwave systems above 16000 Mc. Accordingly, in the absence of any specific data showing that such standards will limit or preclude developments in such bands, we are adopting the standards as proposed except for frequency tolerance and except for the beamwidth in the 10550-10700 Mc band where it has been increased to 4° to be consistent with our action in the 12200-12700 Mc band. In the case of frequency tolerances, we are of the opinion that specific frequency tolerances should not be adopted except for the 6525-6575 Mc band as it appears that the tolerance requirement will probably be similar to that in the contiguous band 6575-6875 Mc.

25. There remains only the question raised by Canadian Marconi as to whether the proposed standards are in accordance with the CCIR recommendations. We may quickly dispose of this matter by noting that the CCIR recommendations are considered to be minimum specifications and do not preclude the establishment of stricter specifications. Thus, the more strict technical specifications herein are not inconsistent with such recommendations. In nearly all cases, the Commission's technical specifications for radio transmitting equipment are more stringent than those internationally required or recommended.

26. The adoption of the standards hereinafter ordered are not intended to resolve or affect in any manner the issues raised in the pending requests for reconsiderations in Docket No. 11866.

Accordingly, in view of the foregoing: *It is ordered*, This 20th day of July 1960, that, effective January 1, 1961, the technical standards covering the grant of private microwave systems using frequencies above 952 Mc, as shown below, are adopted and the appropriate service rules governing the several Safety and Special Radio Services are amended to conform therewith, the formal codification of such changes to be accomplished by subsequent order of the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

Frequency band (MC)	Power watts ¹	Tolerance (percent)	Bandwidth ²	Beamwidth ³
952-960.....	30	.0005	100 kc	20°
1850-1990.....	18	.02	8 Mc	10°
2110-2200.....	15	.02	4 Mc	10°
2450-2500 ⁴	12	(⁵)	(⁵)	(⁵)
2500-2700.....	12	.02	4 Mc	10°
6525-6575 ⁶	7	.02	25 Mc	7°
6575-6875.....	7	.02	10 Mc	5°
10550-10700 ⁶	5	(⁵)	25 Mc	4°
12200-12700.....	5	.05	20 Mc	4°
Above 16000.....	5	(⁵)	60 Mc	(⁵)

¹ Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

² Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except for the band 2110-2200 Mc, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952-960 Mc, bandwidths up to 500 kc may be authorized.

³ Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

⁴ Subject to no protection from ISM equipment on 2450 Mc.

⁵ To be specified in authorization.

⁶ Limited to mobile operations and temporary service between fixed points.

[F.R. Doc. 60-7042; Filed, July 27, 1960; 8:50 a.m.]

[Docket No. 13273; FCC 60-899]

PART 10—PUBLIC SAFETY RADIO SERVICES

Miscellaneous Amendments

In the matter of amendment of Part 10 of the Commission's rules, so as to establish a medical emergency radio service; provision of additional assignable frequencies for the use of licensees in the Police, Fire, and Highway Maintenance Radio Services; revision of the classes of persons who are eligible for licensing in the Special Emergency Radio Service and the deletion of certain frequencies assignable to licensees in

the Special Emergency Radio Service; Docket No. 13273.

1. The Notice of Proposed Rule Making in the above-entitled matter sought comments on the Commission's proposal to dispose of 69 frequencies in the 152-162 Mc band and 6 frequencies in the 42-50 Mc band. These frequencies had already been allocated to Part 10, Public Safety Radio Services in Docket No. 11990, but had not been specifically made available to any public safety group or groups. This Notice was duly published in the FEDERAL REGISTER (24 F.R. 9481, November 25, 1959) inviting comments by February 1, 1960 (which date was later extended to March 1, 1960) either in support of, or in opposition to, the proposals contained therein. The Notice also provided that for a period of 30 days after the deadline for submitting such comments, interested parties might file reply comments. These dates have all passed and an unusually large number of comments have been submitted for Commission consideration.

2. The Notice of Proposed Rule Making endeavored to effect several modifications with respect to Part 10 of the Commission's rules, other than the disposition of the 75 frequencies referred to in paragraph 1. However, the latter was the key issue involved, and most comments directed themselves to that segment of the Notice. In this regard, the Commission proposed: (a) To establish a Medical Emergency Radio Service utilizing 13 frequencies in the 152-162 Mc band and 4 frequencies in the 42-50 Mc band; (b) to make available 5 frequencies in the 152-162 Mc band to the Special Emergency Radio Service; (c) to make available 10 frequencies in the 152-162 Mc band to the Highway Maintenance Radio Service; (d) to make available 25 frequencies in the 152-162 Mc band to the Police Radio Service; and finally (e) to make available 16 frequencies in the 152-162 Mc band and 2 frequencies in the 42-50 Mc band to the Fire Radio Service. With respect to this last assignment, it was proposed that one frequency from each band be designated for use as an intersystem or "mutual aid" frequency by the Fire Radio Service similar to that employed by users in the Police Radio Service. For the reasons set forth below, it is not necessary at this time to consider the proposals contained in the Notice of Proposed Rule Making which do not pertain to the disposition of frequencies.

3. Many of those filing comments recommended that additional frequencies be made available to the Local Government Radio Service. While the Notice did not propose to make any additional frequencies available to this service, such comments have been considered as germane to this proceeding by the Commission since they present a partial solution to the problem of overcrowding on the frequencies available to the Public Safety Radio Services. The key issue faced by the Commission in this Docket is how to accommodate, with the limited number of frequencies now under consideration, the increased needs of those who presently are eligible under the various subparts of Part 10, as well as those whose activities would seem to make them de-

serving of inclusion under Part 10. It does not appear that either of these objectives can be fully attained. Relative needs must be assessed, and frequencies made available only after there has been a clear-cut showing that under existing circumstances a particular Public Safety group cannot function effectively. The facts presented by those filing in this Docket have been persuasive in establishing some justification for additional frequencies, but the demand exceeds the available supply. Hence, it is obvious that every Public Safety Service cannot be assigned all the frequencies requested. It is further apparent that in the absence of other factors those services whose needs were essentially unchallenged by other Public Safety users must be accorded some priority in the assignment of the 75 frequencies under consideration.

4. In this regard, the comments received with respect to the proposal to make available frequencies to the Police and Fire Radio Services were virtually without exception in support of the proposal. The proposed Medical Emergency Service engendered considerable opposition as did the contemplated assignment to the Highway Maintenance Radio Service and the Special Emergency Radio Service. It should be pointed out that there were also substantial numbers of comments submitted which supported adoption of each of the proposals. It is manifest, however, that these segments of the Docket will require additional consideration before a proper determination may be reached. Many of these matters will be disposed of in a later Report and Order. Of course, should the Commission conclude that establishment of a Medical Emergency Service would be in the public interest, a further Notice of Proposed Rule Making will be required which will set forth specific rules to govern this service, and on which interested parties will be afforded the opportunity to comment.

5. The filings of both the International Municipal Signal Association (IMSA) and the Associated Police Communications Officers, Inc. (APCO) specifically contain requests that in the event all portions of the Docket cannot be disposed of expeditiously, those proposals which affect their respective services should be the subject of immediate action to alleviate their pressing needs. On this point, IMSA stated:

In the event any delay may occur regarding a decision on whether or not this new Service [Medical Emergency Service] should be established due to Comments filed by interested parties, it is respectfully urged that the proposals concerning the allocations to the Fire Radio Service be considered separately from the proposal for the establishment of this new Service so that the allocation of these additional frequencies will not be held up pending the determination of this other matter.

APCO in raising the same point commented:

Because of the pressing need for additional frequency assignments, APCO also respectfully requests that prompt and expedited action be taken with respect to the police service . . . and possibly other established public safety services . . . even if the current proceeding and the questions relating

to the establishment of a new medical emergency service cannot be concluded fully within a reasonably short time. APCO believes that such action is warranted by the current needs of the police service.

6. It should be pointed out that the absence of similar requests by the other Public Safety users was not the controlling factor in the Commission's determination to act now, only on those proposals affecting the Police and Fire Radio Services. As indicated in paragraph 4, supra, the filings by these groups clearly demonstrate a compelling need for additional frequencies immediately. Since their showings were virtually uncontested and, in fact, were generally supported by most of the comments, it would appear that prompt action as to their proposals is justified and is in the public interest.

Proposed Police Frequency Assignment. 7. The Wisconsin Chapter of APCO and the Washington State Patrol requested that all the presently unassigned frequencies located between existing police frequencies in the 152-162 Mc band be assigned to the Police Radio Service. APCO has sought 40 channels for police which it claims still " . . . would leave that service with serious frequency inadequacies." It is the APCO position that to assign the 25 frequencies proposed immediately would be acceptable as a stop-gap measure, but that the other 15 frequencies should be authorized in a later Report and Order. Most other interested parties who commented on this phase of the Notice of Proposed Rule Making concurred with the Commission's proposal to make available 25 frequencies to this service. For the reasons stated previously the Commission does not intend to authorize the 15 additional frequencies requested for use in the Police Radio Service at this time. This should not be construed to mean that the Commission will make available still further frequencies to this service in a subsequent Report and Order. Of course, the converse is also true; however, it must be noted that the assignment of 25 out of a total number of 69 available frequencies in the 152-162 Mc band to a single service represents a relatively high percentage. In addition, Section 10.252 of the Commission's Rules provides that after October 31, 1963, police frequencies may no longer be used for fire communications. It is anticipated that this will relieve to some extent the present overcrowding on police frequencies.

8. The sole disagreement among the various police users who filed comments concerned the number of frequencies which should be made available for state police organizations only. California Public Safety Radio Association, Inc., and the Associated Public Communications Officers, Inc., of California typified the view of those who advocated that none of these additional frequencies should be reserved for states. As the latter stated: "We cannot concur in any thinking which would add even more additional frequencies for exclusive state operation at the expense of the local law enforcement authorities until such time as the state police licensees can show that they are making as full use of

their frequencies as the local law enforcement agencies are." Supporters of this position point out that counties presently operating police systems on low-band frequencies should be given the opportunity to shift to the 150 Mc band to avoid "skip" interference.

While the California State Communications Advisory Board proposed that the entire 25 frequencies be earmarked for state police only, the general consensus was that approximately 50 percent should be so reserved. In this regard, the fact that most of those filing comments in behalf of police users represented state organizations must be recognized. After examination of the record in this Docket and of the frequencies now available for this service, it is the Commission's opinion that 6 frequencies should be set aside for use by state police. Although this is a somewhat smaller number than that urged by many of the comments, it seems to be adequate when it is realized that the remaining frequencies will also be available to states, albeit not on an exclusive basis.

9. Some comments filed by police users requested that the frequencies selected for assignment to this service be chosen so as to permit the establishment of wide-area radio systems. However, to assign "split-channel" frequencies with this wide separation would give rise to frequency coordination problems since such assignments would have to be located between primary frequencies now available to other services. On balance, these serious difficulties which would then be created would transcend the advantages of facilitating large area operations. Hence, the Commission has endeavored to select frequencies for assignment to the Police Radio Service which will provide a one megacycle separation for such operations but has decided against wider separation assignments. It should be noted that judicious selection of an existing and a new frequency may well afford opportunity for wider separation.

Proposed Fire Frequency Assignment. 10. In its comment supporting the Commission's proposal to assign 16 frequencies in the 152-162 Mc band to the Fire Radio Service, IMSA points out that in addition to present overcrowding on existing frequencies many new fire systems will have to be established by October 31, 1963, when fire communications will no longer be able to be transmitted on police frequencies. Currently, there are no "split-channel" frequencies available to this service in this band, and those operating in the lower bands are experiencing severe "skip" interference. Frequencies in the 152-162 Mc band are more suitable for fire communications than the lower frequencies since fire departments are generally somewhat localized in their scope of operation and jurisdiction. Frequencies below 50 Mc give a transmitting range which often is in excess of fire needs, and they have the added disadvantage of bringing in unwanted signals.

The American Municipal Association did not oppose the proposed assignment to the Fire Radio Service but did question whether usage of present frequen-

cies was sufficient to warrant additional channels. However, the comment further stated: "Admittedly, during a catastrophe or during multiple alarms in nearby areas some possible congestion on a present Fire Radio Service could frequently develop." This situation may also be said to exist potentially when radio is needed to aid in any fire-fighting activity. It is true that the frequency of utilization of radio by fire departments may be less than in some other service; however, when radio is required interference-free communications are essential. Otherwise, the value of radio becomes minimal. Thus, based on the frequencies now available to the Fire Radio Service and the interference level existing thereon, it appears that the public interest requires the assignment of additional frequencies to this service.

11. The Commission proposed, and the comments generally supported, the establishment of "mutual aid" or intersystem frequencies to enable adjacent fire departments to intercommunicate where cooperation and coordination is required in fighting a fire. Currently this intercommunication is available only where a group of fire radio licensees elect to operate on common base-mobile frequencies. This results in unnecessary interference and does not provide adequately for large systems which want to operate independently and still coordinate with other areas when the situation requires it. The Police Radio Service has effectively solved this problem under the intersystem concept: designation of particular frequencies solely for this purpose. In its comment, APCO enthusiastically recommends that this principle be adopted in the Fire Radio Service.

Some comments favored continuation of the present system rather than designation of specific frequencies for intercommunication. However, for the reasons stated above, the Commission is of the opinion that use of a particular frequency for this purpose will best serve the needs of the service. After examination of present assignments, the Commission has selected the frequencies 45.88 Mc and 154.280 Mc as the intersystem frequencies. Both of these frequencies are, of course, "split-channel" frequencies and will be available only after an applicant has complied with the requisite frequency coordination procedures. To enable the frequency 154.280 Mc to be used to the fullest, the Commission is proposing not to assign the frequencies 154.265 Mc and 154.295 Mc at this time (i.e., the frequencies 15 kc from this intersystem frequency). These frequencies will be tagged as "reserved," and after October 31, 1963, when frequency coordination on the "split channels" can be effectuated by an appropriate committee letter, these frequencies will be made available to applicants in the Fire Radio Service.

12. A few comments by fire radio users requested that the "split channels" be assigned to this service so that large area operation might be conducted. This requires wide frequency separation. (See paragraph 9, *supra*.) To provide for this, the Commission would have had to

assign fire channels between frequencies allocated to other Public Safety Services. This would have introduced serious frequency coordination problems, and in many areas fire radio applicants might have been unable to obtain consent from these adjacent channel users. The net result might be that to all intents and purposes some of these interspersed split frequencies might prove to be unavailable. Instead the Commission has determined that all the frequencies to be assigned to the Fire Radio Service should be comprised of "split channels" located between existing fire radio assignments. This will create a solid block of fire frequencies and should greatly minimize the task of applicants in obtaining frequency coordination since fire radio applicants will need to seek consent only from existing fire radio users rather than from licensees in other services. It should be noted that a majority of the comments favored this "block type" frequency assignment. Wherever possible both in the balance of this Docket and in similar proceedings, the Commission will follow this policy.

13. Many comments question the need of assigning two frequencies in the 40 Mc band to the Fire Radio Service. In particular, certain users in the Highway Maintenance Radio Service have pointed out that these low-band frequencies are more suitable for their wide area operations than for fire-fighting activities. Of course, one such frequency has been designated, *supra*, for intersystem communications; however, it would appear advisable to withhold action on the disposition of the other 40 Mc frequency until a later Report and Order to reassess the possibility that it might be better assigned to another service.

14. The Commission wishes to point out that the frequencies made available herein to both Police and Fire Radio Services are located either 15 kc or 30 kc from existing primary channels. As such, the required frequency coordination which applicants will have to submit to obtain one of these frequencies will be that procedure which now applies to the assignment of "split-channel" frequencies. In essence this means that applicants for 30 kc "split channels" will have to comply with the provisions of §§ 10.255(h) (20) and 10.305(g) (11). Applicants for 15 kc "splits" will have to comply with requirements identical to those which are now applicable to the Local Government Radio Service as set forth in § 10.555(g) (5) (iii) in addition to the requirements of the above sections. It should be further noted, however, that certain primary channels are now available for mobile operation only. Hence, applicants seeking authorizations on channels within plus or minus 30 kc of these primaries will not be required to coordinate with existing users who are operating mobile systems only on such primary channels.

15. As mentioned previously, considerable support for additional assignments to the Local Government Radio Service has been placed on the record. The Notice of Proposed Rule Making did not contemplate any such assignments.

The Commission is, however, cognizant of the fact that there is a scarcity in the number of frequencies available in most areas, and in some locations all channels are currently in use, thus precluding new assignments. To alleviate this situation, the Commission intends to issue a Notice of Proposed Rule Making in the near future proposing to split certain frequencies between 150.8 Mc and 152 Mc and to make these split channels resulting therefrom available to the Local Government Radio Service.

Authority for the amendments set forth in the attached Appendix is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Therefore, it is ordered, That effective September 1, 1960, Part 10 be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 20, 1960.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 10 of the Commission's rules is amended as follows:

1. Section 10.255 is amended as follows:

a. The frequency table in paragraph (g) is amended by deleting that portion beginning with the frequency 154.65 Mc and ending with the frequency 154.950 Mc and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
154.650.....	Mobile.....	
154.665.....	Base and mobile.....	8, 23
154.680.....	do.....	8, 20
154.695.....	do.....	8, 23
154.710.....	Mobile.....	
154.725.....	Base and mobile.....	23
154.740.....	do.....	20
154.755.....	do.....	23
154.770.....	Mobile.....	
154.785.....	Base and mobile.....	23
154.800.....	do.....	20
154.815.....	do.....	23
154.830.....	Mobile.....	
154.845.....	Base and mobile.....	23
154.860.....	do.....	20
154.875.....	do.....	23
154.890.....	Mobile.....	
154.905.....	Base and mobile.....	8, 23
154.920.....	do.....	8, 20
154.935.....	do.....	8, 23
154.950.....	Mobile.....	

b. The frequency table in paragraph (g) is further amended by deleting that portion beginning with the frequency 155.49 Mc and ending with the frequency 155.73 Mc and substituting therefor the following:

No. 146—3

Frequency or band	Class of station(s)	Limitations
155.490.....	Base and mobile.....	
155.520.....	do.....	20
155.535.....	do.....	23
155.550.....	do.....	
155.565.....	do.....	23
155.580.....	do.....	20
155.595.....	do.....	23
155.610.....	do.....	
155.625.....	do.....	23
155.640.....	do.....	20
155.655.....	do.....	23
155.670.....	do.....	
155.685.....	do.....	23
155.700.....	do.....	20
155.730.....	do.....	

c. Paragraph (h) is amended by adding the following new subparagraph:

(23) Available for assignment for developmental operation: *Provided*, That

(i) Listed frequencies 15 kc removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(ii) The proposed station location is removed by at least 40 miles from the station location of each other station, except those of the applicant authorized to operate on frequencies 30 kc or less removed; and

(iii) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

2. Section 10.305 is amended as follows:

a. The frequency table in paragraph (f) is amended by deleting that portion beginning with the frequency 33.98 Mc and ending with the frequency 46.06 Mc and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
33.98.....	Base and mobile.....	
45.89.....	do.....	11, 13
46.06.....	do.....	

b. The frequency table in paragraph (f) is further amended by deleting that portion beginning with the frequency 154.130 Mc and ending with the fre-

quency 166.250 Mc and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
154.130.....	Base and mobile.....	8
154.145.....	do.....	8, 12
154.160.....	do.....	8, 11
154.175.....	do.....	8, 12
154.190.....	do.....	8
154.205.....	do.....	8, 12
154.220.....	do.....	8, 11
154.235.....	do.....	8, 12
154.250.....	do.....	8
154.265.....	do.....	8, 12, 14
154.280.....	do.....	8, 11, 13
154.295.....	do.....	8, 12, 14
154.310.....	do.....	8
154.325.....	do.....	8, 12
154.340.....	do.....	8, 11
154.355.....	do.....	8, 12
154.370.....	do.....	8
154.385.....	do.....	8, 12
154.400.....	do.....	8, 11
154.415.....	do.....	8, 12
154.430.....	do.....	8
154.445.....	do.....	8, 12
166.250.....	do.....	5

c. Paragraph (f) is amended by adding the following new subparagraphs:

(12) Available for assignment for developmental operation: *Provided*, That

(i) Listed frequencies 15 kc removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(ii) The proposed station location is removed by at least 40 miles from the station location of each other station, except those of the applicant authorized to operate on frequencies 30 kc or less removed; and

(iii) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

(13) This frequency is reserved for assignment to stations in the Fire Radio Service for intersystem operations only.

(14) Not available for assignment until November 1, 1963. After that date, this frequency will be available for assignment subject to the conditions in subparagraph (12) of this paragraph.

[F.R. Doc. 60-7043; Filed, July 27, 1960; 8:50 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13689; FCC 60-885]

[47 CFR Part 3]

STANDARD BROADCAST TRANSMITTERS

Single Lever for Allowable Noise and Hum

In the matter of amendment of § 3.40 of the Commission's rules to specify a single level for allowable noise and hum in standard broadcast transmitters, Docket No. 13689.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3.40(a) (6) of the Commission's rules reads as follows:

(6) The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 50 decibels below 100 percent modulation for the frequency band of 150 to 500 cycles and at least 40 decibels down outside this range.

3. Measurements to determine compliance with the requirements of this paragraph of the rules are directly affected by the bandwidth of the measuring instrument. In the case of random noise, which is uniformly distributed throughout the frequency spectrum, the noise power measured will be directly proportional to the bandwidth of the measuring instrument. If hum or other discrete frequency noise components are present the measured noise level will depend on whether the bandwidth accepted by the measuring instrument includes these frequencies.

4. In order to minimize the need for complex measuring equipment and to permit more uniformity in making measurements to determine compliance with the Commission's rules, it is proposed to amend § 3.40(a) (6) to read as follows:

(6) The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 45 decibels below 100 percent modulation for the frequency band of 30 to 20,000 cycles.

This proposal, which represents a compromise of existing specifications, will insure acceptable transmitter performance while providing for measurement procedures which are more in keeping with accepted practice.

5. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before August 22, 1960, and reply comments on or before September 1, 1960.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4(1) and 303 of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 20, 1960.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7039; Filed, July 27, 1960;
8:49 a.m.]

[47 CFR Part 16]

[Docket No. 13690; FCC 60-898]

LAND TRANSPORTATION RADIO SERVICES

Base Stations in the Taxicab Radio Service

In the matter of amendment of Part 16, Land Transportation Radio Services, to redefine eligibility and to specify permissible locations of base stations in the Taxicab Radio Service, Docket No. 13690.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. The Commission proposes to amend its rules governing the Taxicab Radio Service to specify (1) that application for station authorization in that service may be made by any person who undertakes to provide taxicab service to the public in a given area, regardless of whether actually providing that service or actively preparing to provide that service, and (2) that, except under certain specified conditions, a base station in the Taxicab Radio Service may be located only within the area in which the licensee is regularly permitted to both pick up and discharge passengers in the operation of the taxicab transportation service, or if there is excessive signal strength outside such areas, the Commission may impose restrictions on the license to limit the effective communication service area.

3. The purpose of the first amendment described above is to clarify both the intent of the present rules of the Commission and existing application procedure. It has come to the attention of the Commission that some municipalities or other governmental authorities require that an applicant for a franchise or permit to operate a taxicab business be a licensee of this Commission and be fully equipped to dispatch his cabs by radio, before he may operate his taxicabs. It also appears, that in many other cases, persons starting in the taxicab business need to have their radio authorizations in hand before purchasing the taxicabs, in order to have firm information as to the radio frequencies which should be provided in any equipment to be factory installed. In either case, the issuance of such sta-

tion authorizations in advance of actual taxicab operation has been considered permissible in the past under the existing provisions of the rules; however, considerable misunderstanding has existed on this matter and the presently proposed amendment is intended to clarify this situation. At the same time, it will be clearly set forth in the rules that when an authorization is issued under the preceding circumstances, the station(s) involved may not be operated for other than test purposes until such time as the associated taxicabs are actually being used to provide a taxicab transportation system in the area involved.

4. The second proposed amendment is designed to aid the Commission in correcting situations which have become more critical in recent years due to the rapid expansion of metropolitan areas and the increased use of radio by the taxicab industry. In addition, it serves to emphasize the intention of the Commission when it originally established the Taxicab Radio Service; i.e., to provide for the use of radio to facilitate the furnishing of adequate taxicab transportation facilities to the general public. In some instances taxicab companies operating in and around contiguous communities have either so constructed their base stations that the signals therefrom blanket the several communities involved or have attempted to locate their base stations so as to obtain additional communication range outside the areas primarily served by the taxicab transportation system. In other cases the station licensees have attempted to fill in "dead spots" in their local coverage areas, caused by buildings or other terrain factors, by the use of higher power or antennas although such complete coverage is frequently impossible. Such base station operation has invariably resulted in increased interference to other licensees, due either to the mere placement of the base station in an area served by such other licensee or due to the additional power and/or antenna height or directional characteristics which might be necessary to provide communications throughout the desired area. While the frequencies available for use by stations in the Taxicab Radio Service are shared without distinction between all licensees and the avoidance of unnecessary interference between such stations is the immediate responsibility of all the licensees involved, the Commission believes that the most effective use of radio as it relates to this service may be obtained by limiting the effective communication area of a base station, insofar as is practicable, to the area in which the associated taxicabs may both pick up and discharge passengers in their normal operations. Provision is made in the proposed amendment, however, for the placement of a base station outside such area when unavoidable, under conditions designed to assure that potential inter-

ference to other licensees caused by such placement is held to a minimum.

5. Authority for the proposed amendments, which are set forth below, is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any persons desiring to support this proposal may file with the Commission on or before September 1, 1960, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments are established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: July 20, 1960.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. It is proposed to amend § 16.401 to read as follows:

§ 16.401 Eligibility.

(a) The following persons are eligible to hold authorizations to operate radio stations in the Taxicab Radio Service:

(1) Persons regularly furnishing or undertaking to furnish to the public in a given area a for-hire, non-scheduled, passenger land transportation service, not operated over a regular route or between established terminals.

(2) A non-profit corporation or association organized for the purpose of furnishing a private radiocommunication service solely to persons who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

(b) Each application for authority to operate radio stations in the Taxicab Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section and the geographical area in which the land transportation service by taxicab is provided or proposed. An applicant may comply with this requirement by submitting, but is not limited to, a showing that he has received, or that he has pending an application for, a franchise, certificate or other formal authority from the appropriate local regulatory agency or agencies to operate taxicabs in the area concerned.

(c) No station authorized pursuant to the provisions of this section shall be operated for other than test purposes until the associated taxicabs are in fact regularly engaged in furnishing the transportation service specified in paragraph (a) (1) of this section.

2. A new § 16.407 is proposed to be added, to read as follows:

§ 16.407 Limitations on base stations.

(a) Base stations in the Taxicab Radio Service will be authorized to be established or relocated only at locations within the respective areas in which the associated taxicabs are permitted to both pick up and discharge passengers. Exceptions to the above may be made, however, when an applicant submits a showing, satisfactory to the Commission, (1) that the location of the base station within such area is prohibited or restricted and (2) that the proposed location outside such area will not result in a material increase in radio interference to other taxicab operations.

(b) When it appears that the emissions of a base station in the Taxicab Radio Service might result in excessive signal strength outside the area in which the taxicabs associated with that base station are permitted to both pick up and discharge passengers, or when it appears that the emissions of such a base station do in fact cause unnecessary interference to other stations outside such area, the Commission in its discretion may specify limitations on the station power and antenna height, and may place such other restrictive terms on the station authorization as may appear necessary to limit the effective communication service area of the base station to the area served by the associated taxicabs.

[F.R. Doc. 60-7040; Filed, July 27, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 457]

AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring lavatory tank ground drain valve seal replacement on certain Lockheed 188 aircraft to preclude ice formation from leaky valves. Incidents of damage to property on the ground have occurred due to falling ice and safety of the aircraft can also be affected by ice formation.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Dockets Section of the Federal Aviation Agency, Room B-316, 1711 New York

Avenue NW., Washington 25, D.C. All communications received on or before August 29, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to 188 aircraft Serial Numbers 1002, 1004 through 1102, 1104 through 1129, and 2001 through 2015.

Compliance required by November 15, 1960.

Leaking lavatory tank ground drain valves have permitted drainage to the exterior surface of the aircraft in flight, resulting in ice formation which came off and struck the stabilizer. Since such ice formation is hazardous to aircraft in flight and to persons on the ground, all lavatory tank ground drain valves must be modified to incorporate LAC seal No. 838228-1 or equivalent.

(LAC 88/SB-407 covers the intent of this change.)

Issued in Washington, D.C., on July 22, 1960.

B. PUTNAM,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 60-7006; Filed, July 27, 1960; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 458]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Airborne Radar Altimeter Equipment

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order will establish minimum performance standards for airborne radar altimeter equipment for use on civil aircraft of the United States engaged in air carrier operations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. all communications received on or before September 12, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed

PROPOSED RULE MAKING

in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:
By adding the following § 514.73:

§ 514.73 Airborne radar altimeter equipment—(for air carrier aircraft)—TSO-C67.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radar altimeter equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radar altimeter equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards for Airborne Radar Altimeter Equipment Intended for Determining Pressure Gradients and Operating Within the Radio Frequency Band of 420-460 Megacycles," (Paper 73-60/DO-103)¹ dated April 12, 1960. Radio Technical Commission for Aeronautics' Paper 100-54/DO-60¹ which is incorporated by reference in and thus is a part of Paper 73-60/DO-103 has been amended by Paper 256-58/EC-366. This amendment is also a part of the minimum performance standards. Exceptions, additions, and substitutions to these standards are covered in subparagraph (2) of this paragraph.²

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne radar altimeter equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

¹ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 73-60/DO-103, 40 cents per copy; Paper 100-54/DO-60 with Amendment Paper 256-58/EC-366, 20 cents per copy.

² When airborne radar altimeter equipment is installed on civil aircraft, the installation must comply with the functional and installation requirements of Parts 3, 4b, 6 or 7 of the Civil Air Regulations as applicable.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used,

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10-55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(2) Each major component of airborne radar altimeter equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name and TSO number.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following, shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne radar altimeter equipment shall be produced

under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne radar altimeter equipment approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on July 22, 1960.

B. PUTNAM,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 60-7005; Filed, July 27, 1960;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Extension of Period for Which To Submit Comments or Suggestions

On June 24, 1960, notices of proposed rule making regarding amendment of §§ 107.308-1(b) and 107.308-5 of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations were published in the FEDERAL REGISTER (25 F.R. 5846). Such notices provided that prior to final adoption of such amendments of regulations, consideration would be given to any comments or suggestions pertaining thereto submitted within a period of 30 days from the date of such publication in the FEDERAL REGISTER.

Notice is hereby given that prior to the final adoption of such amendments of regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within an additional period of 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 19, 1960.

PHILIP McCALLUM,
Administrator.

[F.R. Doc. 60-7018; Filed, July 27, 1960;
8:46 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

AMENDMENT TO THE STATEMENT OF ORGANIZATION

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

District 8—Detroit, Mich., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended in the following respects:

1. The list of Class A ports of entry is amended by deleting "Port Dolomite, Mich."

2. The list of Class C ports of entry is amended by adding in alphabetical sequence "Port Dolomite, Mich."

Dated: July 25, 1960.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 60-7026; Filed, July 27, 1960;
8:47 a.m.]

Office of the Attorney General

[Order 208-60]

PLACING THE OFFICE OF ALIEN PROPERTY IN THE OFFICE OF THE ATTORNEY GENERAL

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), it is hereby ordered as follows:

1. The Office of Alien Property in the Department of Justice, together with all of the records, property, personnel and positions thereof, is hereby placed within the Office of the Attorney General and shall constitute and function therein as the Office of Alien Property which shall be in the charge of an officer to be known and designated as the Director, Office of Alien Property.

2. All the authority, rights, privileges, powers, duties, and functions of the Assistant Attorney General, Director, Office of Alien Property, are hereby transferred to the Director, Office of Alien Property.

3. The Director, Office of Alien Property shall act for and on behalf of the Attorney General.

4. Existing delegations by the Assistant Attorney General, Director, Office of Alien Property, shall continue in force and effect until modified or revoked.

5. All the authority, rights, privileges, powers, duties, and functions of the Director, Office of Alien Property, may be

exercised or performed by any agencies, instrumentalities, agents, delegates, or other personnel designated by him.

Dated: July 22, 1960.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60-7022; Filed, July 27, 1960;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 25]

[B-26232]

COLORADO

Small Tract Classification; Amendment (Correction)

1. Pursuant to the authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), it is ordered as follows:

2. Federal Register Document 60-6018, appearing on pages 6145-46 of the issue for June 30, 1960 is hereby corrected as follows:

In the tabulation pertaining to lot numbers, acreage, etc., the Advanced Rental for three-year lease period for lot 20 is corrected to read \$90.00 instead of \$80.00; for lot 22, it is corrected to read \$82.50 instead of \$92.50.

ANDREW J. SENTI,
Acting Lands and Minerals Officer.

JULY 21, 1960.

[F.R. Doc. 60-7014; Filed, July 27, 1960;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 273]

WILLI FARNER ET AL.

Order Denying Export Privileges

In the matter of Willi Farner, also known as Willi Farner Moser, Grenchen, Switzerland, and Sagrera 44-58 Barcelona, Spain; Farner-Werke A.G., Grenchen, Switzerland; Alexander Botez, also known as A. B. Gamboa, and as Alexander Botez Gamboa, and as Alessandro Donici Botez, Boite Postale 21, Poste Grange Canal, Geneva, Switzerland; respondents; Case No. 273.

Willi Farner, also known as Willi Farner Moser, of Grenchen, Switzerland and Barcelona, Spain, Farner-Werke A.G., also of Grenchen, Switzerland, and Alexander Botez, alias A. B. Gamboa, Alexander Botez Gamboa, and Alessandro Donici Botez, of Geneva, Switzerland, the respondents herein, were charged by the Director, Investigation Staff, Bureau

of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, among other things, they participated in ventures involving unauthorized transshipments and diversions of electronic goods exported from the United States. They have been subject to a temporary order denying all export privileges to them since August 11, 1958 (23 F.R. 6270, August 14, 1958; 23 F.R. 7145, September 16, 1958). They appeared herein by attorney, admitted certain of the charges but pleaded mitigating circumstances, and denied all other charges.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports findings of violation and has recommended that the respondents be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answers, evidence and brief submitted on behalf of respondents, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, the respondents Willi Farner, Farner-Werke A.G., and Alexander Botez, the last being known also as A. B. Gamboa, Alexander Botez Gamboa, or Alessandro Donici Botez, were engaged in the import and export business in Switzerland, and the respondent Willi Farner had also an address in Barcelona, Spain, where he was known as Willi Farner Moser.

2. During the years 1955, 1956, and 1957, the said respondents, for the purpose of supplying numerous commodities being obtained by or on behalf of purchasers known by them to be engaged in the importation of such commodities into Communist China, proceeded to purchase such commodities from suppliers in the United States or from an exporter in England, who, in turn, purchased the same from suppliers in the United States.

3. Commodities so purchased were delivered by the respondents to persons in Switzerland, who, thereafter, acting independently with the knowledge of the respondents or by utilizing facilities available to the respondents, caused the commodities so purchased and originally exported from the United States to be diverted and transshipped to Communist China contrary to and in violation of the export licenses pursuant to which they had been exported from the United States.

4. Among the commodities so acquired by the respondents were six trademarked-signal generators together with spare tubes and instruction manuals, exported from the United States in February, April, and May 1957; another trademarked signal generator together with

spare tubes and instruction manual, exported from the United States in January 1957; a trademarked polar recorder and precision square rooter together with spare tubes, exported from the United States in May 1957; a trademarked electronic frequency meter with spare tubes plus an optical tachometer pickup, two tachometer generators, an accessory meter, and a cable assembly together with instruction manuals for each instrument, exported from the United States in February 1957; and two radio interference-field intensity meters with numerous accessories and spare tubes, exported from the United States in January 1957.

5. In order to induce the sale and exportation to them of the commodities mentioned in Finding 4 hereof, respondents stated and represented or caused to be stated and represented on various export control documents required by the Bureau of Foreign Commerce that the said commodities were to be used in Spain and that Spain was the country of ultimate destination.

6. Said export control documents were submitted to the Bureau of Foreign Commerce in support of applications for validated export licenses to permit the exportation of the commodities from the United States.

7. Also in January, February, and March of 1956, but not shown by the evidence herein to be connected with acquisitions for the purpose of supplying the Communist purchasers, respondents purchased from sources in the United States and caused to be exported from the United States two microwave signal generators with tubes and accessories, two Universal power bridges and ten bolometers with three sets of spare tubes, and one spectrum analyzer with a set of spare tubes.

8. In order to induce the sale and exportation to them of the commodities mentioned in Finding 7 hereof, because they were the subject of representations by the respondents that they would be used in Switzerland, and in accordance with regulations of the Bureau of Foreign Commerce, respondents obtained from a department of the Government of Switzerland three Swiss Import Certificates upon representations to that Government that they would import the said commodities into Switzerland.

9. In support of applications for validated export licenses to permit the exportation of said commodities from the United States, respondents caused to be submitted to the Bureau of Foreign Commerce the said Swiss Import Certificates and three BFC Consignee-Purchaser Statements in which they had represented or caused to be represented that the said commodities were to be imported into Switzerland as the country of final destination.

10. In reliance on the representations so made and contained in the various documents submitted, the Bureau of Foreign Commerce, in due course, issued validated export licenses authorizing the exportation of the commodities mentioned in Finding 4 to Spain and in Finding 7 to Switzerland, and all the said commodities thereafter were exported

from the United States pursuant to said licenses.

11. The representations made by the respondents setting forth the end use and ultimate destination of the commodities mentioned in Finding 4 hereof were false and known by them to be false at the time when they made such representations. They made such representations for the purpose of inducing the Bureau of Foreign Commerce to issue the validated export licenses permitting the exportation of the said commodities to them because they well knew that if the true destination of the goods, Communist China, were known to the exporters in the United States or to the Bureau of Foreign Commerce, applications for export licenses would not have been submitted or, if submitted, would not have been granted.

12. The representations made by the respondents as to ultimate use and destination, both in Spain and in Switzerland, were continuing representations, and respondents had certified to the Bureau of Foreign Commerce that, prior to any disposition of the goods contrary thereto, they would send a supplemental statement showing any intended change in facts or intentions to the exporter in the United States from whom the goods were being acquired.

13. Respondents, without notifying any American exporter or the Bureau of Foreign Commerce and without authorization from the Bureau of Foreign Commerce, caused the commodities mentioned in Findings 7 and 8 hereof to be transshipped from Switzerland to Spain without authorization from the Bureau of Foreign Commerce.

14. The transshipments both to Spain and to Communist China were made or caused to be made by respondents after receipt by them of invoices and bills of lading on which had been endorsed destination control notices prescribed by the Bureau of Foreign Commerce, which notices gave them additional knowledge and warning that the goods covered by such documents had been exported from the United States pursuant to export licenses restricting their ultimate delivery to particular countries and that diversion to other places was contrary to United States law.

15. During the course of an investigation concerned with the ultimate disposition of the Commodities which had been licensed for exportation to Spain and in response to inquiries by the American Consul in Barcelona, Spain, acting on behalf of the Bureau of Foreign Commerce, the respondent, Willi Farner, represented and stated to him that certain of the equipments which had been obtained by the respondents for importation into Spain actually had been imported into that country, but in making the said statement, Farner well knew that it was false and intended to mislead the American consul in his investigation and that the equipments mentioned by him in fact had not been imported into Spain.

16. In the Consignee-Purchaser Statement which respondents caused to be submitted to the Bureau of Foreign Commerce in support of the application for

the license to export the polar recorder, square rooter and spare tubes, they represented that a particular company in Barcelona, Spain, was the purchaser thereof and Farner, after executing the said statement naming "Willi Farner Moser" as ultimate consignee, executed as well the portion of that statement entitled, "Certificate of Purchaser," caused to be endorsed thereon the name of the company represented as "purchaser," and signed the name of one of the managers of said company thereon.

17. By so signing the name of the manager of the company represented as "purchaser," Farner represented and made it appear to the Bureau of Foreign Commerce that the purchaser of the goods described therein was a person or entity other than himself and that the commodities were being acquired independently by the represented company for ultimate sale to a Willi Farner Moser in Spain, when, in fact, the respondents actually were purchasing such commodities directly and without the intervention of the represented company and, to the extent that the name of the represented company appeared at any stage in the transaction, it appeared only as a device or screen to lessen the apparent connection of the respondents to this particular exportation. This objective was furthered as well by the use by Farner of the name Willi Farner Moser (as distinguished from Willi Farner) when describing the "ultimate consignee."

And from the foregoing, I have concluded that the respondents Willi Farner, Farner-Werke A.G., and Alexander Botez:

A. Knowingly made and caused to be made false statements, representations and certifications to, and concealed and caused to be concealed material facts from, the Bureau of Foreign Commerce, directly and indirectly, in connection with the preparation, submission, issuance and use of export control documents, in connection with effecting exportations from the United States and their re-exportation, transshipment and diversion, and in the course of an investigation instituted under the Export Control Act of 1949, as amended, all in violation of Sections 381.2 and 381.5 of the Export Regulations.

B. Bought, received, sold, disposed of, and caused to be transported and forwarded exportations from the United States, knowing that with respect to such exportations violations of the Export Control Law, regulations and licenses, had occurred, were about to, and were intended to occur, in violation of §§ 381.2 and 381.4 of the Export Regulations.

C. Without authorization of the Bureau of Foreign Commerce, knowingly disposed of, diverted, and caused to be transshipped and re-exported commodities to persons and destinations and for uses, contrary to the terms, provisions and conditions of export control documents, prior representations, notifications of prohibition against such actions, and the Export Control Law, regulations, and licenses issued thereunder, in violation of §§ 381.2 and 381.6 of the Export Regulations.

D. Used and caused to be used export control documents for the purpose of and in connection with facilitating and effecting exportations and re-exportations of U.S. commodities which were not in accord with the terms, provisions, and conditions of said documents, in violation of §§ 381.2 and 381.8 of the Export Regulations.

In his report the Compliance Commissioner considered at length objections on the part of the respondents to the use against them of classified material to which they were not allowed access and to the prosecution of this proceeding against them because, as claimed by them, it had been their intention from the beginning to smuggle most of the goods involved into Spain, and BFC officials, with knowledge of that intention, had issued validated export licenses authorizing the exportations of the goods to Spain. As to the first objection, they claimed that constitutional rights and principles of due process were being violated and, as to the second, they claimed that since BFC employees had been aware of their smuggling intention, BFC ought not to be permitted to prosecute them for not delivering the goods to Spain. The Compliance Commissioner made a careful review of the legal questions thus presented and overruled these objections.¹ In making his recommendation that the respondents be denied all export privileges so long as export controls are in effect, he said:

*** The conduct of the respondents in providing very strategic electronic materials to an organized gang operating over a long period of time in the business of procuring and transshipping strategic commodities for Communist Chinese purchasing agencies was most harmful to the export control program, the carrying on of our foreign policy, and our national security. In a case such as this there is no reason whatsoever to make any disposition other than a complete denial of export privileges for all of the respondents so long as export controls shall be in effect. This is my recommendation, ***

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law, it is hereby ordered:

I. The temporary denial order dated August 11, 1958 (23 F.R. 6270, August 14, 1958; 23 F.R. 7145, September 16, 1958) hereby is made permanent. So long as export controls shall be in effect, the said respondents, their agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation heretofore or hereafter has been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in

¹ An extract from this portion of the Compliance Commissioner's report may be obtained, so long as the supply lasts, by writing to Compliance Commissioner, FC-2680, U.S. Department of Commerce, Washington 25, D.C.

any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with any respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which any respondent may have any interest of any kind or nature.

Dated: July 22, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-7021; Filed, July 27, 1960;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF OF SAFETY AND SPECIAL RADIO SERVICES BUREAU

Delegation of Authority To Grant Waivers of Spurious Emission Limitations and Type Acceptance Requirement

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned matter;

It appearing that appropriate waivers of the spurious emission and type acceptance requirements of, respectively, §§ 8.136 and 8.139 should in certain instances be granted for transmitters that

do not meet and are not excepted from those requirements; and

It further appearing that for administrative efficiency, the authority to grant such waivers should be delegated to the staff; and

It further appearing that the amendment herein adopted pertains to matters of Commission management and procedure, and that, therefore, compliance with the notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that the amendment herein adopted is issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective August 1, 1960, Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 0, Statement of Organization, Delegations of Authority, and Other Information, is amended as follows:

Section 0.291(b) is amended by adding new subparagraph (13) as follows:

Sec. 0.291 *Matters delegated.*

* * * * *

(b) * * *
(13) To grant, in the absence of unusual circumstances:

(i) A non-renewable, 4-year waiver of the type acceptance requirement of § 8.139 of the Commission's rules for any radiotelephone transmitter that fails to qualify for the "same vessel" exception to that requirement solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(ii) A 4-year waiver and renewals thereof of the spurious emission limitations of § 8.136 of the Commission's rules for any radiotelegraph transmitter that fails to qualify for the "same vessel" exception to those limitations solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(iii) A 6-month waiver of the type acceptance requirement of § 8.139 of the Commission's rules in cases substantially the same as those in which the Commission en banc has taken similar action.

[F.R. Doc. 60-7027; Filed, July 27, 1960;
8:48 a.m.]

NEW YORK UHF-TV TEST

Notice of Conference

JULY 21, 1960.

At the request of the Commission, Congress has authorized a \$2,000,000 study to be made during fiscal years 1961 and 1962 to ascertain the technical and economic feasibility of utilizing UHF

channels to provide satisfactory television coverage to the New York City TV market area. The information is designed to supplement that which was gathered by the Television Allocations Study Organization and to carry forward a recommendation of TASO.

The project will be under the direction of the Commission's Chief Engineer, and for this purpose a UHF-TV Project Unit is being established. The project work will be done principally on a contract basis and those who are prepared to perform various phases of the project under contract should inform the Chief Engineer, so that they may be considered.

So that the Commission can be assured that the study includes as many facets of the problem as are reasonable and that the work may benefit from the active participation of the TV industry, an advisory committee consisting of members from all interested parts of the industry is desired. Representatives of the National Association of Broadcasters, the Electronic Industries Association, the Association of Maximum Service Telecasters, the Institute of Radio Engineers, the Joint Technical Advisory Committee, the Joint Council on Educational Television, the Television Allocations Study Organization, the Association of Federal Communications Consulting Engineers, and others, are invited to participate.

For the purpose of the test, it is proposed to construct a high powered UHF-TV station on the Empire State Building, the site of the existing VHF-TV stations. Another station will be located within about 15 miles of the first on a separate channel to study any improvement which might be obtained with the simultaneous broadcasting of a single program by two stations on two different frequencies. Transmissions with horizontal polarization will be used generally, but for a part of the time, one station will use circular polarization so that comparative observations and measurements can be made. An investigation will be made into UHF improvements in TV receivers, and any practical improvements which are immediately available will be incorporated in receivers to be installed at various points within the service area of the stations. Measurements will be made throughout the service area inside buildings, on roof tops, at street level, and other locations where TV reception may be desired, and correlated with observations of picture quality on the above receivers.

In order to discuss the plans for the project and formulate the membership of an Industry Advisory Committee to aid on this study, interested persons are invited to attend a conference at 10:00 a.m. in Room 7134, New Post Office Building, Washington, D.C., on July 29, 1960.

Adopted: July 20, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7028; Filed, July 27, 1960;
8:48 a.m.]

[Docket No. 13615; FCC 60M-1280]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13615; regulations and charges for a connecting arrangement to permit the connection of two two-point duplex teletypewriter services with a customer provided aircraft tracking system.

Pursuant to agreement at today's pre-hearing conference: *It is ordered*, This 20th day of July 1960 that the hearing previously scheduled for September 19, 1960, is rescheduled to Tuesday, November 1, 1960, at 2 p.m., in the offices of the Commission, Washington, D.C.

Released: July 21, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7029; Filed, July 27, 1960;
8:48 a.m.]

[Docket Nos. 13157, 13159; FCC 60M-1288]

FLOYD BELL AND BELTON BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; for construction permits.

The Hearing Examiner having before him a petition filed on July 20, 1960, by Belton Broadcasters, Inc., requesting that the hearing in this proceeding be held on July 22, 1960; and

It appearing that all other parties to the proceeding have consented to scheduling the hearing as requested and have consented to immediate consideration of the petition;

It is ordered, This 21st day of July 1960, that the petition is granted; and the hearing in this proceeding now continued without date will be held on July 22, 1960, at 9:30 a.m.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7030; Filed, July 27, 1960;
8:48 a.m.]

[Docket No. 13685; FCC 60-879]

CALOJAY ENTERPRISES, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Calojay Enterprises, Inc., Indianapolis, Indiana, Docket No. 13685, File No. BPH-3013; req. 105.7 Mc, #289; 4.641 kw.; 160 ft., for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified, but may not be financially qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 17, 1960, and incorporated herein by reference, notified the applicant and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the Commission's letter of June 17, 1960, advised the applicant that the proposal to operate 60 hours per week with eight department employees at an estimated cost of operation during the first year of \$10,200 did not appear to be realistic and that a detailed showing in support of the estimate should be submitted; that the applicant's reply dated June 27, 1960, stated that the three parties to the applicant would work for a salary of \$1.00 per year each until the station would show a net profit, that three other members of the staff would work on a part-time basis; but that substantial questions obtain as to whether the station can be operated as proposed, by three parties to the applicant (when apparently two of the parties will continue full-time employment elsewhere) and three part-time employees; whether, therefore, the applicant's estimated cost of operation, \$10,200 per year, is realistic and, if not, whether the applicant has sufficient funds to construct and operate the proposed station; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant's staffing plans and estimated annual cost of operation for the proposed station are realistic, and, if not, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine, in the light of the evidence adduced, pursuant to the foregoing issue, whether the instant application should be granted.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mail-

ing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7031; Filed, July 27, 1960;
8:48 a.m.]

[Docket No. 13683]

CUSIMANO CONSTRUCTION CORP.

Order To Show Cause

In the matter of Cusimano Construction Corp., 417 Crain Highway SE., Glen Burnie, Md., Docket No. 13683; order to show cause why there should not be revoked the license for Special Industrial Radio Station KGF-456.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the above-named licensee on March 31, 1960, alleging that on March 22, 1960, the above-captioned radio station was found to be in violation of the following sections of the Commission's rules for the reasons herein-after set forth:

(1) Section 11.160(c): No record of names of persons responsible for the operation of the base station transmitting equipment together with their periods of duty was maintained on a current daily basis.

(2) Section 11.52(b)(1): Licensee failed to notify the District Office of the completion of construction prior to the commencement of equipment tests.

(3) Section 11.702(a): A suitable means for receiving CONELRAD alerts has not been provided.

It further appearing, that the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated May 11, 1960, and sent by Certified Mail—Return Receipt Requested (No. 991670), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the Licensee's

agent, R. A. Larkin, on May 12, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of July 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing¹ to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested, to the said licensee.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7032; Filed, July 27, 1960;
8:48 a.m.]

[Docket No. 13684]

HORNE OIL CO.

Order To Show Cause

In the matter of Horne Oil Company, Box 226, Provo, Utah, Docket No. 13684;

¹Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

order to show cause why there should not be revoked the license for Special Industrial Radio Station KOM-765.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the above-named licensee on March 17, 1960, alleging that on March 9, 1960, the above-captioned radio station was found to be in violation of § 11.702(a) of the Commission's rules in that no means was provided for receiving CONELRAD alerts.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated April 19, 1960, and sent by Certified Mail, Return Receipt Requested (No. 1433777), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Serge Nelson, on April 22, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of July 1960, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing¹ to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested, to the said licensee.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7033; Filed, July 27, 1960;
8:48 a.m.]

[Docket No. 13589; FCC 60M-1290]

MERCURY BROADCASTING

Order Continuing Hearing

In re application of Rex O. Stevenson, Jack E. Falvey, Harry Saxe, Jr., and Robert Pommer, d/b as Mercury Broadcasting (a joint venture), Colorado Springs, Colorado, Docket No. 13589, File No. BP-12449; for construction permit.

Pursuant to the agreements reached by counsel for all parties at the pre-hearing conference held this date, as set forth on the record thus made;

It is ordered, This 21st day of July 1960, that the following shall govern the course of this proceeding:

(1) The direct case of the applicant shall be presented by written, sworn exhibits.

(2) Copies of the applicant's sworn exhibits which are to be offered in evidence shall be supplied to all parties and to the Hearing Examiner on or before September 15, 1960.

(3) Notification of witnesses, if desired, for cross-examination on the applicant's exhibits shall be given on or before September 26, 1960.

It is further ordered, That the hearing heretofore scheduled to commence on September 15, 1960 is hereby continued to October 3, 1960, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7034; Filed, July 27, 1960;
8:48 a.m.]

[Docket Nos. 13076, 13077; FCC 60M-1287]

SUPREME BROADCASTING CO., INC., OF PUERTO RICO, AND RADIO AMERICAN WEST INDIES, INC.

Order Continuing Hearing

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT-2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT-2581; for construction permits for new television broadcast stations (Channel 8).

The Hearing Examiner having under consideration a joint motion filed July 13, 1960, on behalf of both of the applicants herein requesting that the evidentiary hearing now scheduled for July 25, 1960, be continued to September 22, 1960; and

It appearing that the reason for the requested continuance is the fact that counsel for both applicants are engaged in a protest proceeding before the Commission now scheduled for hearing on July 25, 1960, and that such proceeding is required to be expedited; and

It further appearing that counsel for the Broadcast Bureau has given his consent to the grant of the motion and that

good cause for the requested continuance having been shown;

It is ordered, This the 21st day of July 1960, that the joint motion for continuance is granted and the evidentiary hearing in this proceeding now scheduled for July 25, 1960, is continued to September 22, 1960.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7035; Filed, July 27, 1960;
8:48 a.m.]

[Docket No. 13686; FCC 60-880]

LAWRENCE SHUSHAN

Order Designating Application for Hearing on Stated Issues

In re application of Lawrence Shushan, Santa Barbara, California, req. 99.9 Mc. #260; 3.5 kw; 3,182 ft., Docket No. 13686, File No. BPH-2994; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified, but may not be financially qualified, to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 8, 1960, and incorporated herein by reference, notified the applicant of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection in the Commission's offices; and

It further appearing that the Commission's letter of June 8, 1960, advised the applicant that it could not be determined that sufficient funds were available for construction and operation of the station; that the applicant's reply dated June 24, 1960, fails to clear up the questions concerning the availability of funds and operating plans for the proposed station, the applicant's balance sheet fails to show cash or liquid assets available over and above those needed to meet current expenditures and commitments, the loan commitment for \$10,000 fails to show the security to be posted for the loan, nor does the lender's balance sheet appear to show cash or liquid assets available in an amount to cover the loan; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve

the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, whether the instant application should be granted.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7036; Filed, July 27, 1960;
8:48 a.m.]

[Docket Nos. 13436-13438; FCC 60-867]

TOT INDUSTRIES, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Tot Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT-2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT-2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT-2697; for construction permits for new television broadcast stations (Channel 10).

1. The Commission has for consideration a petition to enlarge issues filed on April 8, 1960, by Medford Telecasting Corporation, together with pleadings filed in response thereto.

2. Medford Telecasting seeks to have the issues enlarged to include a determination of the location of the Grade A and B contours of the applicants; a comparison of the areas and populations within such contours which might be expected to receive service; and, in the event it be established that any applicant would serve areas and populations not served by its competitors, a determination of the number of services presently available to such areas and populations.

3. Actual service to areas and populations is a factor of comparative significance if it can be demonstrated by acceptable engineering evidence. While evidence as to the location of Grade A and B contours projected in the manner prescribed by the rules is no more than a measure of service potential entitled to

little weight in the absence of supplementary confirming evidence,¹ and subject to being overridden by evidence showing such projected contours to be inaccurate in a given case,² a party offering such evidence to prove predicated service is entitled to have it accepted for what it is worth.³ Therefore, we will grant Medford Telecasting's request to enlarge the issues to permit a showing of the location of the parties Grade A and Grade B contours. In connection with such showing we note that, pursuant to § 3.684(f) of the rules, with respect to each of the applicants the terrain along at least one radial precludes the utilization of the prediction method and a supplemental showing must be made. While the Commission recognizes the difficulties of determining prospective coverage along such radials and, for the purpose of processing the applications was able to accept showings of the type made by the applicants, the establishment of contours along such radials for comparative purposes, as a minimum, will necessitate the submission by each applicant of a complete showing pursuant to all the provisions of § 3.684(f) of the rules. Such showings should be accompanied by engineering analyses setting forth the techniques utilized in predicting the contours, and, in instances where the conventional method prescribed by the rules is, pursuant to such rules, inappropriate, demonstrate the practical reliability of the technique used.

4. Assuming the parties are able to predict their full A and B contours with sufficient accuracy, they will be afforded an opportunity to lend greater significance to such showing by demonstrating the areas within such contours which may be expected to receive actual service, and, after establishing the actual population distribution in such areas, by relating the predicted coverage within the predicted contours to such distribution, as well as showing the number of television facilities presently providing service to such areas and populations.

Accordingly, it is ordered, That the petition to enlarge issues filed by Medford Telecasting Corporation on April 8, 1960, is granted in substance; that the existing Issue No. 4 is renumbered Issue No. 7; and the issues in this proceeding are enlarged as follows:

(4) To determine the location of the proposed Grade A and B contours of the applicants in this proceeding.

(5) To determine, on a comparative basis, the areas and populations within the respective Grade A and B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

(6) In the event the proof under Issues (4) and (5) above shall show that any or all of the applicants will bring actual service to areas and populations not

served by either or both of its competitors, to determine the number of television services, if any, presently available to such areas and populations.

Adopted: July 20, 1960.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7037; Filed, July 27, 1960;
8:49 a.m.]

[Docket Nos. 13687, 13688; FCC 60-831]

VALLEY TELECASTING CO. AND CENTRAL WISCONSIN TELEVISION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Valley Telecasting Company, Wausau, Wisconsin, Docket No. 13687, File No. BPCT-2709; Central Wisconsin Television, Inc., Wausau, Wisconsin, Docket No. 13688, File No. BPCT-2738; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9, assigned to Wausau, Wisconsin; and

It appearing that the applications of Valley Telecasting Company and Central Wisconsin Television, Inc. are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, Valley Telecasting Company and Central Wisconsin Television, Inc. were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that in the pre-hearing letter to Central Wisconsin Television, Inc., the Commission raised a question with respect to a possible violation of the spirit of § 3.636(a) (1) of the Commission's rules; and

It further appearing that upon due consideration of the reply to the Commission to the section 309(b) letter, the Commission is of the view that the above question raised with respect to the proposal of Central Wisconsin Television, Inc. should be explored within the framework of comparative issue "6(a)" as specified herein, rather than as an issue with respect to § 3.636(a) (1) of the Commission's rules; and

It further appearing that Valley Telecasting is the permittee of WIRM (TV), Channel 8 in Iron Mountain, Michigan, and that in the event its application were to be granted, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of WIRM (TV) by approximately 8 miles; and that applicant is licensee of WFRV (TV), Channel 5 in Green Bay, Wisconsin, and that in the event the subject application were to be granted, the Grade B field intensity contour of the proposed station would overlap the Grade A field intensity contour of WFRV (TV) by approximately 17 miles and the Grade A field intensity contour of the proposed station would overlap the Grade B field intensity contour of WFRV (TV) by approximately 32 miles; and

It further appearing that Valley Telecasting Company has requested a waiver of § 3.613(a) of the Commission's rules to locate the main studio outside Wausau, and has shown good cause for the requested waiver; and

It further appearing that Valley Telecasting Company amended its application in response to the above-mentioned 309(b) letter to show proposed financing for the construction and initial operation of the proposed station in the total amount of approximately \$163,000 by submitting a loan agreement showing the availability of \$200,000, and, therefore, Valley Telecasting Company is now financially qualified; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Valley Telecasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station, and is technically qualified except as to issue "3" below; that Central Wisconsin Television, Inc. is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except as to issue "5" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Valley Telecasting Company and Central Wisconsin Television, Inc. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the application of Valley Telecasting Company would be consistent with the provisions of § 3.636(a) (1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station with the area served by WFRV (TV) in Green Bay, Wisconsin, and WIRM (TV) in Iron Mountain, Michigan.

¹ Great Lakes Television, 16 RR 201 (1957).

² Hall v. FCC, 237 F2 567 (C.A.D.C., 1956).

³ Great Lakes Television, supra.

2. To determine whether a grant of the application of Valley Telecasting Company would result in an undue concentration of control of broadcast stations and hence be contrary to the provisions of § 3.636(a)(2) of the Commission's rules, and inconsistent with the public interest, convenience and necessity, in view of the applicant's operation of two television broadcast stations in Green Bay, Wisconsin (WFRV (TV)), and in Iron Mountain, Michigan (WIRM (TV)).

3. To determine whether the proposed antenna system and site of Valley Telecasting Company would constitute a hazard to air navigation.

4. To determine whether Central Wisconsin Television, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine whether the proposed antenna system and site of Central Wisconsin Television, Inc. would constitute a hazard to air navigation.

6. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Valley Telecasting Company and Central Wisconsin Television, Inc., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7038; Filed, July 27, 1960;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-2, etc.]

SKELLY OIL CO. ETC.

Order Permitting Filing and Providing for Hearing on and Suspension of Proposed Changes in Rates¹

JULY 21, 1960.

In the matter of Skelly Oil Company, Docket No. RI61-2; Rand Morgan, Docket No. RI61-3; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-4; K. D. Owen, et al., Docket No. RI61-5; Pan American Petroleum Corporation, Docket No. RI61-6; I. J. Huval, et al., Docket No. RI61-7.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate scheduled No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Rate tendered	Effective date ¹ unless suspended	Rate suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect ²	Proposed increased rate ³	
RI61-2	Skelly Oil Co.	126	3	West Lake Natural Gasoline Co. (Nena Lucia Field, Noland County, Tex.).	6-20-60	6-22-60	7-23-60	7-24-60	5.5	8.5	-----
RI61-3	Rand Morgan	1	5	Associated Oil and Gas Co. (Farenthold Field, Jim Wells and Nueces Counties, Tex.).	6-15-60	6-23-60	(4)	12-10-60	13.87589	16.02416	G-19879
RI61-4	Pan American Petroleum Corp. (Operator), et al.	226	3	Tennessee Gas Transmission Co. (Bully Camp Field, La Fourche Parish, La.).	6-24-60	6-27-60	7-28-60	12-28-60	23.09167	23.6	G-19482
RI61-5	K. D. Owen, et al.	2	7	Tennessee Gas Transmission Co. (Zim-Ricaby Field, Starr County, Tex.).	Undated	6-29-60	7-30-60	12-30-60	10.87268	15.99347	-----
RI61-6	Pan American Petroleum Corp.	221	2	Panhandle Eastern Pipe Line Co. (Ems-Camrick Field, Texas County, Okla.).	6-29-60	6-30-60	8- 1-60	1- 1-61	16.2	16.4	G-18949
RI61-7	I. J. Huval, et al.	1	3	Northern Natural Gas Co. (W. Panhandle Field, Gray County, Tex.).	6-29-60	6-29-60	7-30-60	12-30-60	8.0512	12.0768	-----

¹The stated effective dates are the first day after expiration of the required statutory notice or the requested effective date, whichever is later.

²The rate of Pan American Petroleum Corp. (Operator), et al., is at a pressure base of 15.025 psia. The other rates are at a pressure base of 14.65 psia.

³Or until one day after the rate suspended in Docket No. RI60-449 is made effective, whichever is later.

⁴The first possible effective date of Rand Morgan's proposed revenue-sharing increased rate is December 9, 1960, the first day on which the purchaser's resale rate (suspended in the proceeding in Docket No. RI60-449) may become effective.

In support of its proposed revenue-sharing increased rate, Skelly Oil Company (Skelly) states that its contract was negotiated at arm's length and cites the increased resale rate of its purchaser, which is in effect subject to refund in the proceeding in Docket No. RI60-30. Skelly supports that resale rate by noting the purchaser's elimination of favored-nation provisions from the resale contract and by stating that the periodic price provisions in the resale contract are common in long-term contracts and are beneficial to buyer and seller.

In support of its proposed revenue-sharing increased rate, Rand Morgan (Morgan) cites the revenue-sharing provisions in its contract and the increased resale rate of its purchaser, which is

suspended in the proceeding in Docket No. RI60-449 until December 9, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Morgan also states that the proposed rate is necessary to provide a fair return and is below other prices in the area.

In support of its proposed favored-nation increased rate, Pan American Petroleum Corporation (Operator), et al. (Pan American) cites the pricing provisions in its contract, which it states was negotiated at arm's length, and also cites a triggering rate increase. Pan American states that denial of the rate would be unfair and confiscatory. In support of its proposed periodic increased rate, Pan American Petroleum Corporation

(Pan American) cites the pricing provisions of its contract, which it states was negotiated at arm's length, cites increases reflected in Bureau of Labor Statistics reports, and cites prices in recent contracts in the area. Pan American also states that the increased rate is insufficient to offset increases in costs of drilling wells or offset the effects of inflation.

In support of their proposed favored-nation increased rate, K. D. Owen, et al. (Owen) cite the pricing provisions of their contract and cite a triggering rate

¹This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

increase. Owen also states that the contract was negotiated at arm's length and the pricing provisions were a major consideration for the long-term of the contract.

In support of their proposed redetermined increased rate, I. J. Huval, et al. submit a price redetermination agreement and state that this is their first proposed rate increases.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving the 90-days-maximum notice limit of § 154.94 (b) of the Commission's regulations under the Natural Gas Act and for permitting the filing of Supplement No. 5 to Morgan's FPC Gas Rate Schedule No. 1.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 90-days-maximum notice limit of § 154.94(b) of the Commission's regulations under the Act is waived and the filing of Supplement No. 5 to Morgan's FPC Gas Rate Schedule No. 1 is permitted.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before September 8, 1960.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7012; Filed, July 27, 1960; 8:45 a.m.]

[Docket No. R-190]

[Order No. 222]

CHANGES IN RATES REFLECTING CONTINUANCE OF LOUISIANA GAS SEVERANCE TAX

Order Providing for the Acceptance of Changes in Rates Reflecting the Continuance of the Louisiana Gas Severance Tax¹

JULY 22, 1960.

In accordance with the effect of recently enacted Louisiana Legislation,² which continues the current Louisiana gas-severance tax in effect until June 30, 1964, the Commission deems it expedient and in the public interest to facilitate the filing of changes in rate schedules which reflect the continuation of such tax for independent producers' jurisdictional sales of natural gas to United Gas Pipe Line Company (United) and do not otherwise change the presently effective rate.

A number of the independent producer Louisiana suppliers of United have letter agreements with United, regarding the Louisiana gas-severance tax reimbursements, which expire on July 31, 1960. To encourage early filings and to provide for an effective date of August 1, 1960, for such changes, the Commission considers it appropriate and in the public interest to waive the 30-day notice requirements under § 154.98 of the Commission's regulations and to allow such an effective date for those changes received by the Commission prior to September 1, 1960.

Any such change accepted for filing shall be subject to all orders issued in suspension proceedings, including those listed below without excluding any other applicable suspension proceedings, involving the particular rate schedule and supplements thereto; and the acceptance for filing shall not change, modify, or amend such proceedings in any manner. Each of the independent producers submitting filings will be notified, by a letter from the Secretary, of the Commission's acceptance of such changes as hereinafter provided.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission should: (a) Provide for the form of filing of the aforementioned changes and waive the 30-day notice requirements; (b) allow such changes to take effect as of August 1, 1960, provided such changes are received by the Commission prior to September 1, 1960; (c) notify of the acceptance of the filing by notice from

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

² House Bill No. 466, as approved on June 2, 1960, which amends and reenacts subsection 9 of section 633 of Title 47 of the Louisiana Revised Statutes of 1950, as amended by Act 2 of the Extraordinary Session of 1958, relative to the rate of tax on gas severed from the soil or water in the State of Louisiana.

the Secretary; and (d) provide that the acceptance of such filings shall be subject to all orders issued in suspension proceedings involving the particular rate schedule and supplements thereto and shall not change, modify, or amend such proceeding in any manner.

(2) As such changes in rate schedule will not otherwise affect the current rate level, it will only be necessary for independent producers to submit a single page statement attached to the executed letter agreement with United Gas Pipe Line Company setting forth the following data in lieu of the requirements of § 154.94(e) of the Commission's regulations: (a) Name of independent producer seller and rate schedule designation; (b) the present total effective price in cents per Mcf at the measured pressure base (psia) with the base rate and the provisions for tax reimbursement, gathering charge, dehydration charge and other components thereof shown separately together with a statement that such rate will continue without change under the attached agreement. In addition to this information, any deductions from the total rate should also be noted.

The Commission orders: Changes in rate schedules that reflect the continuance of the Louisiana gas-severance tax and do not otherwise change the presently effective rate may be filed in accordance with the findings of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

List of rate suspension proceedings of independent producers selling to United Gas Pipe Line in Louisiana involving possible continuance of Louisiana Severance Tax filings:

G-9932, Tidewater Oil Co. No. 34.
G-10357, John W. Mecomb d.b.a. Mecomb Petroleum No. 1.
G-12037, G-13465, The Ohio Oil Co. No. 15.
G-13180, Placid Oil Co., et al. No. 7.
RI60-435, G-13811, Union Producing Co. No. 215.
RI60-435, G-13811, Union Producing Co. No. 216.
G-14114, Union Producing Co. (Operator); et al. No. 218.
G-17589, Union Producing Co. Nos. 228, 229.
G-14313, The California Co. No. 3.
G-14421, Amerada Petroleum Corp. No. 65.
G-15410, Socony Mobil Oil Co., Inc. (Operator), et al. No. 24.
G-15411, Socony Mobil Oil Co., Inc. No. 69.
G-16330, F. A. Callery, Inc., et al. No. 7.
G-17822, Francis A. Callery (Operator), et al. No. 16.
G-15056, Texas Gulf Producing Co. No. 30.
G-17884, Texas Gulf Producing Co. Nos. 31, 32.
G-8977, 9575, 12231, 13610, R. H. Goodrich No. 1.
G-8978, 9570, 13611, W. H. Cocke No. 1.
G-9065, 9568, 11124, 13468, Hunt Oil Company No. 5.
G-9136, 9569, C. N. Johnston, et al. No. 1.
G-8921, 9571, 11289, 13467, Arkansas Fuel Oil Corp. No. 13.
G-10036, Arkansas Fuel Oil Corp. (Operator), et al. No. 44.
G-12997, Arkansas Fuel Oil Corporation No. 2.
G-8925, 9574, 13609, 15180, Humble Oil & Refining Co. No. 35.
RI60-187, Humble Oil & Refining Co. No. 235.

G-8969, 9576, 11333, 13466, Texaco, Inc. No. 102.
 G-19475, Robert B. Prentice (Operator), et al. No. 3.
 G-19476, General American Oil Company of Texas No. 37.
 G-19930, W. H. Hunt No. 3.
 G-20352, Phillips Petroleum Company (Operator), et al. No. 216.
 RI00-163, Charles B. Wrightsman No. 1.
 RI60-165, Continental Oil Co. (Operator), et al. Nos. 80, 98.
 RI60-450, Union Oil Co. of California No. 49.

[F.R. Doc. 60-7013; Filed, July 27, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36433: *Barytes—Arkansas and Missouri to Louisiana points.* Filed by Southwestern Freight Bureau, Agent (No. B-7853), for interested rail carriers. Rates on ground barite (barytes), in carloads from specified points in Arkansas and Missouri to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 36434: *Iron and steel articles—Birmingham, Ala., to Greenville, Miss.* Filed by O. W. South, Jr., Agent (SFA No. A3995), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads from Birmingham, Ala., and points grouped therewith to Greenville, Miss.

Grounds for relief: Private motor truck competition.

Tariff: Supplement 108 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 36435: *Iron and steel articles—East St. Louis, Ill., and Alabama points to Louisiana.* Filed by O. W. South, Jr., Agent (SFA No. A3996), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads from E. St. Louis, Ill., Birmingham, Ala., and group points and Alabama City, Ala., to IC RR stations University through Shrewsbury, La., and L&A Ry. stations Essen, through Shrewsbury, La.

Grounds for relief: Market competition.

Tariff: Supplement 108 to Southern Freight Association tariff I.C.C. 1592.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7023; Filed, July 27, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JULY 22, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 25, 1960, to August 3, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7017; Filed, July 27, 1960; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MINOR JAMESON

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Savanna Creek Gas & Oil Limited.

This amends statement published January 21, 1960 (25 F.R. 522).

Dated: July 12, 1960.

MINOR JAMESON.

[F.R. Doc. 60-7003; Filed, July 27, 1960; 8:45 a.m.]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster, published December 17, 1959, for the State of Oklahoma (24 F.R. 10240) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 9, 1959:

Garfield.

Dated: July 19, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-7004; Filed, July 27, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II-17]

MANAGER, DISASTER FIELD OFFICE, SCHENECTADY, N.Y.

Delegations Relating to Disaster Loan Making

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby delegated to the Manager of the Disaster Field Office, Schenectady, New York, the authority:

A. *Financial assistance.* 1. To approve direct and participation disaster loans.

2. To disburse approved loans.

3. To enter into Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Manager, Disaster Field Office.

5. To cancel, reinstate, modify and amend authorizations for disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Correspondence.* To sign all non-policy making correspondence relating to disaster lending functions except congressional correspondence and correspondence which includes a decision that an applicant is ineligible for disaster loan assistance.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: June 27, 1960.

ARTHUR E. LONG,
Regional Director,
New York Regional Office.

[F.R. Doc. 60-7019; Filed, July 27, 1960; 8:46 a.m.]

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